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ILLINOIS DOCUMENTS

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ILLINOIS

REGISTER RULES OF GOVERNMENTAL AGENCIES



Volume 24, Issue 25
June 16, 2000

Pages 8,173 – 8,437

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.sos.state.il.us>



Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

ILLINOIS REGISTER

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Issue 16 - April 14, 2000: Data Through March 31, 2000
Issue 29 - July 14, 2000: Data Through June 30, 2000
Issue 42 - October 13, 2000: Data Through September 30, 2000
Issue 3 - January 19, 2001: Data Through December 31, 2000 (Annual)

REGISTER PUBLICATION SCHEDULE 2000

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 27, 1999	January 7, 2000	Issue 28	June 26	July 7
Issue 2	January 4, 2000*	January 14	Issue 29	July 3	July 14
Issue 3	January 10	January 21	Issue 30	July 10	July 21
Issue 4	January 18*	January 28	Issue 31	July 17	July 28
Issue 5	January 24	February 4	Issue 32	July 24	August 4
Issue 6	January 31	February 14**	Issue 33	July 31	August 11
Issue 7	February 7	February 18	Issue 34	August 7	August 18
Issue 8	February 14	February 25	Issue 35	August 14	August 25
Issue 9	February 22*	March 3	Issue 36	August 21	September 1
Issue 10	February 28	March 10	Issue 37	August 28	September 8
Issue 11	March 6	March 17	Issue 38	September 5*	September 15
Issue 12	March 13	March 24	Issue 39	September 11	September 22
Issue 13	March 15	March 26	Issue 40	September 18	September 29
Issue 14	March 20	March 31	Issue 41	September 25	October 6
Issue 15	March 27	April 7	Issue 42	October 2	October 13
Issue 16	April 3	April 14	Issue 44	October 10*	October 20
Issue 17	April 10	April 21	Issue 43	October 16	October 27
Issue 18	April 17	April 28	Issue 44	October 23	November 3
Issue 19	April 24	May 5	Issue 45	October 30	November 13**
Issue 20	May 1	May 12	Issue 46	November 6	November 17
Issue 21	May 8	May 19	Issue 47	November 13	November 27**
Issue 22	May 15	May 26	Issue 48	November 20	December 1
Issue 23	May 22	June 2	Issue 49	November 27	December 8
Issue 24	May 30*	June 9	Issue 50	December 4	December 15
Issue 25	June 5	June 16	Issue 51	December 11	December 22
Issue 26	June 12	June 23	Issue 52	December 18	December 29
Issue 27	June 19	June 30	Issue 1	December 26*	January 5, 2001

* Tuesday 12 noon deadline following a state holiday.

** Monday publication date following a state holiday.

Printed by authority of the State of Illinois
June 2000 - 675 - GA-1461

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Savings Bank Act
- 2) Code Citation: 38 Ill. Adm. Code 1075
- 3) Section Numbers: 1075.130
1075.140
Proposed Action:
Amendment
Amendment
- 4) Statutory Authority: Implementing and authorized by the Savings Bank Act [205 ILCS 205].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking simplifies supervisory fee structure. The rulemaking amendments lower fees by rounding down to the nearest whole number under Sections 1075.130 and 1075.140. The Section states the Commissioner shall issue a credit memorandum that each association operating under the provisions of the Savings Bank Act [205 ILCS 205] may use to offset balances owed from the Supervisory Fee calculated in Section 1075.130.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?

Yes

Section Numbers	Proposed Action	Illinois Register Citation
1075.130	Amendment	24 Ill. Reg. 6986 May 5, 2000
1075.140	Amendment	24 Ill. Reg. 6986 May 5, 2000

- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rule will not affect local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties should submit, within 45 days of the date of publication of this *Illinois Register*, written comments or views concerning the proposed rulemaking to the attention of:

Office of Banks and Real Estate
Chris Siebel, Legislative Liaison
500 East Monroe
Springfield, Illinois 62701
217/782-6167
217/524-5941 (fax)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENT

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: the Office did not anticipate the need for this rulemaking at the time the 2 most recent regulatory agendas were submitted.

The full text of the Proposed Amendment begins on the next page:

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENT

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER II: OFFICE OF BANKS AND REAL ESTATE

PART 1075

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OFFICE OF BANKS AND REAL ESTATE

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CHAPTER II: OFFICE OF BANKS AND REAL ESTATE

PART 1075

SAVINGS BANK ACT

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 Direct Community Offering

AUTHORITY: Implementing and authorized by the Savings Bank Act [205 ILCS 205].

SOURCE: Emergency Rules adopted at 14 Ill. Reg. 15029, effective September 4, 1990, for a maximum of 150 days; adopted at 15 Ill. Reg. 1916, effective January 25, 1991; amended at 16 Ill. Reg. 4891, effective March 16, 1992; amended at 17 Ill. Reg. 8894, effective June 7, 1993; expedited correction at

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENT

17 Ill. Reg. 18223, effective June 7, 1993; emergency amendment adopted at 18 Ill. Reg. 7016, effective April 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 15094, effective September 26, 1994; emergency amendment at 19 Ill. Reg. 10277, effective June 29, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15474, effective October 31, 1995; recodified from Chapter VIII, Commissioner of Savings and Residential Finance, to Chapter II, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 22 Ill. Reg. 6719, effective March 30, 1998; amended at 24 Ill. Reg. 73, effective January 1, 2000; emergency amendment at 24 Ill. Reg. 6986, effective April 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. _____, effective _____.

SUBPART A: FILLINGS

Section 1075.130 Supervisory Fees

- a) The Commissioner shall receive, and there shall be paid to the Commissioner by each savings bank and each service corporation operating under the Act, a fixed fee of \$450-00, plus a variable fee based on the total assets of each savings bank and each service corporation as shown on the financial report filed with the Commissioner for the reporting period of the prior calendar year ended December 31, 1999 and every year thereafter according to the following schedule: 22-5¢ per \$1,000 of the first \$2,000,000 of total assets, 20-35¢ per \$1,000 of the next \$3,000,000 of total assets, 18-0¢ per \$1,000 of the next \$5,000,000 of total assets, 15-75¢ per \$1,000 of the next \$15,000,000 of total assets, 13-5¢ per \$1,000 of the next \$25,000,000 of total assets, 11-25¢ per \$1,000 of the next \$50,000,000 of total assets, 9-0¢ per \$1,000 of the next \$400,000,000 of total assets, 6-75¢ per \$1,000 of the next \$500,000,000 of total assets, and 4-5¢ per \$1,000 of all total assets in excess of \$1,000,000,000 of such savings bank or service corporation. In the situation where service corporations and/or finance subsidiaries are owned by the savings bank, the owned assets may be consolidated with the assets of the savings bank for calculation of this fee. If the finance subsidiary is not active and is in the form of a Collateralized Mortgage Obligation or a similar vehicle (Mortgage Backed Securities, Real Estate Mortgage Income Certificates, and other securitized debt instruments), the Commissioner shall waive that portion of the fee attributed to the finance subsidiary.
- b) The Commissioner shall receive and there shall be paid to the Commissioner by each savings bank a fee of \$450 for each approved branch office or facility office established under Subpart G of this Part. The determination of such fees shall be made annually as of the close of business of the prior calendar year ended December 31.
- c) One fourth of the sum of the supervisory fee so determined shall be remitted as billed by the Commissioner. Such fees shall be for the respective current year.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENT

- d) Supervisory fees shall be determined by the Commissioner following the close of the respective calendar year; however, the dates of billings shall not prejudice the validity of an invoice for any such fees billed at a later date.
- e) In the event the state charter is converted or otherwise surrendered during the year, the Commissioner shall determine the supervisory fee based on the total assets of the savings bank as of the month-end immediately preceding the cancellation of the state charter, except that the measurement date may be another date at the discretion of the Commissioner in the event a savings bank elects to liquidate. In determining whether to set another measurement date, the Commissioner shall consider the following elements: whether the savings bank is undergoing a planned liquidation (where a savings bank elects to not continue operations), or, the savings bank has transferred significant assets (more than 1/2 of 1 percent of the total assets at the previous measurement date).
- f) The Commissioner may waive part of the first annual supervisory fee specified under subsection (a) above, for a savings and loan association that has paid the fee for conversion to federal charter as required under the rules promulgated pursuant to the Illinois Savings and Loan Act of 1985 (38 Ill. Adm. Code 400.110(b)). Such waiver, if any is granted, shall be in accordance with the following schedule:
- 1) for conversions that were completed less than twelve months but greater than six months before the issuance of a savings bank charter, 25 percent may be waived; and
 - 2) for conversions that were completed less than six months before the issuance of a savings bank charter, 50 percent may be waived.

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

Section 1075.140 Adjusted Supervisory Fees

- a) The Commissioner shall receive and there shall be paid to the Commissioner an additional fee as an adjustment to the supervisory fee specified in Section 1075.130 of this Part, to be based upon the difference between the total assets of each savings bank and each service corporation as shown by its financial report filed with the Commissioner for the reporting period of the calendar year ended December 31 in which the quarterly payments referred to in Section 1075.130 of this Part are made according to the following schedule: 22-5¢ per \$1,000 of the first \$2,000,000 of total assets, 20-25¢ per \$1,000 of the next \$3,000,000 of total assets, 18-0¢ per \$1,000 of the next \$5,000,000 of total assets, 15-75¢ per \$1,000 of the next \$15,000,000 of total assets,

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13-5¢ per \$1,000 of the next \$25,000,000 of total assets, 11-25¢ per \$1,000 of the next \$50,000,000 of total assets, 9-8¢ per \$1,000 of the next \$400,000,000 of total assets, 6-75¢ per \$1,000 of the next \$500,000,000 of total assets, and 4-5¢ per \$1,000 of all total assets in excess of \$1,000,000,000 of such savings bank or service corporation. In the situation where service corporations and/or finance subsidiaries are owned by the savings bank, the owned assets may be consolidated with the assets of the savings bank for calculation of this fee. If the finance subsidiary is not active and is in the form of a Collateralized Mortgage Obligation or a similar vehicle, the Commissioner shall waive that portion of the fee attributed to the finance subsidiary.

b) Adjusted supervisory fees shall be remitted as billed by the Commissioner. In the event the total assets of each savings bank and each service corporation as reported on the earlier financial report are more than the total assets as reported on the later annual report, the Commissioner shall credit the next quarterly remittance of the supervisory fee in the same proportion.

c) In the event the state charter is converted or otherwise surrendered during the year, the Commissioner shall determine the supervisory fee based on the total assets of the savings bank as of the month-end immediately preceding the cancellation of the state charter, except that the measurement date may be another date at the discretion of the Commissioner in the event a savings bank elects to liquidate. In determining whether to set another measurement date, the Commissioner shall consider the following elements: whether the savings bank is undergoing a planned liquidation (where a savings bank elects to not continue operations); or, the savings bank has transferred significant assets (more than 1/2 of 1 percent of the total assets at the previous measurement date).

(Source: Amended at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Food Stamps

2) Code Citation: 89 Ill. Adm. Code 121

3) Section Numbers: 121.63
Proposed Action: Amendment

4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

5) A Complete Description of the Subjects and Issues Involved: The amendments are being made to this Section to raise the monthly air conditioning/heating standard allowance. Additional changes are being made to clarify the information regarding the standard allowances for utility rates.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
121.90	Amendment	24 Ill. Reg. 3726
		March 10, 2000

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
217/785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENT

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This amendment was not anticipated at the time of the last Regulatory Agenda.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section	
121.1	Application for Assistance
121.2	Time Limitations on the Disposition of an Application
121.3	Approval of an Application and Initial Authorization of Assistance
121.4	Denial of an Application
121.5	Client Cooperation
121.6	Emergency Assistance
121.7	Expedited Service
121.10	Interviews

- SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.18	Work Requirement
121.19	Ending a Voluntary Quit Disqualification (Repealed)
121.20	Citizenship
121.21	Residence
121.22	Social Security Numbers
121.23	Work Registration/Participation Requirements
121.24	Individuals Exempt From Work Registration Requirements
121.25	Failure to Comply with Work Provisions
121.26	Period of Sanction
121.27	Voluntary Job Quit/Reduction in Work Hours
121.28	Good Cause for Voluntary Job Quit/Reduction in Work Hours
121.29	Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomer and Boarder

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121.53 Income From Rental Property
 121.54 Earned Income In-Kind
 121.55 Sponsors of Aliens
 121.57 Assets
 121.58 Exempt Assets
 121.59 Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section

121.60 Net Monthly Income Eligibility Standards
 121.61 Gross Monthly Income Eligibility Standards
 121.62 Income Which Must Be Annualized
 121.63 Deductions From Monthly Income
 121.64 Food Stamp Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section

121.70 Composition of the Assistance Unit
 121.71 Living Arrangement
 121.72 Nonhousehold Members
 121.73 Ineligible Household Members
 121.74 Strikers
 121.75 Students
 121.76 Households Receiving AFDC, SSI, Interim Assistance and/or GA -
 Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section

121.80 Fraud Disqualification (Renumbered)
 121.81 Initiation of Administrative Fraud Hearing (Repealed)
 121.82 Definition of Fraud (Renumbered)
 121.83 Notification To Applicant Households (Renumbered)
 121.84 Disqualification Upon Finding of Fraud (Renumbered)
 121.85 Court Imposed Disqualification (Renumbered)
 121.90 Monthly Reporting and Retrospective Budgeting
 121.91 Monthly Reporting
 121.92 Retrospective Budgeting
 121.93 Issuance of Food Stamp Benefits
 121.94 Replacement of the EBT Card or Food Stamp Benefits
 121.95 Restoration of Lost Benefits
 121.96 Uses For Food Coupons
 121.97 Supplemental Payments
 121.98 Client Training for the Electronic Benefits Transfer (EBT) System
 121.105 State Food Program (Repealed)
 121.107 New State Food Program

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121.120 Recertification of Eligibility
 121.130 Residents of Shelters for Battered Women and their Children
 121.131 Fleeing Felons and Probation/Parole Violators
 121.135 Incorporation By Reference
 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic
 Treatment Centers
 121.145 Quarterly Reporting

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

121.150 Definition of Intentional Violations of the Program
 121.151 Penalties for Intentional Violations of the Program
 121.152 Notification To Applicant Households
 121.153 Disqualification Upon Finding of Intentional Violation of the Program
 121.154 Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section

121.160 Persons Required to Participate
 121.162 Participation and Cooperation Requirements
 121.164 Orientation
 121.166 Assessment and Employability Plan
 121.170 Job Search Component
 121.172 Basic Education Component
 121.174 Job Readiness Component
 121.176 Work Experience Component
 121.177 Illinois Works Component
 121.178 Job Training Component
 121.179 JTPA Employability Services Component
 121.180 Grant Diversion Component (Repealed)
 121.182 Earnfare Component
 121.184 Sanctions
 121.186 Good Cause for Failure to Cooperate
 121.188 Supportive Services
 121.190 Conciliation and Fair Hearings
 121.200 Types of Claims (Recodified)
 121.201 Establishing a Claim for Intentional Violation of the Program
 (Recodified)
 121.202 Establishing a Claim for Unintentional Household Errors and
 Administrative Errors (Recodified)
 121.203 Collecting Claim Against Households (Recodified)
 121.204 Failure to Respond to Initial Demand Letter (Recodified)
 121.205 Methods of Repayment of Food Stamp Claims (Recodified)
 121.206 Determination of Monthly Allotment Reductions (Recodified)
 121.207 Failure to Make Payment in Accordance with Repayment Schedule
 (Recodified)

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121.208 Suspension and Termination of Claims (Recodified)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section	Work Requirement Components
121.220	Meeting the Work Requirement with the Earnfare Component
121.221	Volunteer Community Work Component
121.222	Work Experience Component
121.223	Supportive Service Payments to Meet the Work Requirement
121.224	Meeting the Work Requirement with the Illinois Works Component
121.225	Meeting the Work Requirement with the JTPA Employability Services Component
121.226	

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November

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18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14592, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg.

DEPARTMENT OF HUMAN SERVICES

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15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 31, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. _____, effective _____.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

SUBPART D: ELIGIBILITY STANDARDS

Section 121.63 Deductions From Monthly Income

- a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly food stamp income.
- b) Earned Income Deduction. Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.
- c) Standard Deduction. The standard deduction is \$134 per household per month except for cases in which the person receiving the food stamp benefits also receives TANF cash assistance. Those households receive a reduced amount of the standard deduction as negotiated between the Food and Nutrition Service and the Department.
- d) Dependent Care Deduction
 - 1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria (contained in 89 Ill. Adm. Code 112.70 through 112.73) or to attend training or pursue education which is preparatory for employment.
 - 2) The amount of the deduction is to be determined by the actual costs for care and is not to exceed \$200 per month for each child under age 2 and \$175 per month for each other dependent household member.
- e) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.
- f) Shelter Costs Deduction
 - 1) The shelter deduction is the amount of shelter costs that exceed 50% of the household's total income after the allowable deductions in subsections (b), (c), (d), and (e) of this Section have been made. The shelter deduction shall not exceed \$250.
 - 2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 (1990) and Section 121.61, there is no limit on the amount of the excess shelter deduction.
 - 3) Shelter costs include only the following:
 - A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);
 - B) property taxes, State and local assessments and insurance on the structure itself; and
 - C) utility costs, as described in subsection (g) of this Section.
 - 4) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:
 - A) the household intends to return to the home;

DEPARTMENT OF HUMAN SERVICES

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- B) the current occupants of the home, if any, are not claiming the shelter costs for food stamp purposes; and
- C) the home is not leased or rented during the absence of the household.

- 5) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.

g) Utility Costs

- 1) Utility costs include:

- A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection fees;

- B) basic service fee for one telephone (including tax on the basic fee) of \$27; and

- C) fees charged by the utility provider for initial installation.

- 2) Utility deposits are not considered to be utility costs.

- 3) Those households that which are billed for heating or air conditioning, or both, must use the air conditioning/heating standard allowance of \$222. Those households that are not billed for air conditioning or heating but are billed for electricity must use the electricity standard allowance of \$147. separately from their rent or mortgage may claim the standard utility allowance of \$209. Households living in rental housing who are billed on a regular basis by a landlord for costs for heating or air conditioning, heating, or electricity must use the appropriate standard. or both, may use the standard utility allowance if utility usage is determined through a meter or otherwise is verifiable or if the charge for heating or air conditioning, or both, is separate and identifiable. If the air conditioning/heating standard allowance or the electricity standard utility allowance is used, then no other utility costs may be claimed. If actual utility costs are allowed because the household does not qualify for either standard, exceed the standard utility allowance, then actual, verified costs may be claimed, except that if a separately-billed phone expense is claimed only the basic telephone allowance of \$27 per month is allowed. The client may switch between the standard utility allowance and actual utility costs only at recertification.

- 4) A However, during the heating or cooling season, a household that is billed less often than monthly for its costs for heating, or air conditioning, or electricity must both, but is otherwise eligible to use the standard utility allowance, may continue to use the standard utility air conditioning/heating standard allowance, whichever is appropriate, between billing months.

- 5) Households in public housing or privately owned rental units which receive a bill for over-usage are not entitled to use the

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standard utility allowance. When households (as defined at 7 CFR 273.1(a) (1990)) live together, the standard utility allowance shall be divided equally among the households that contribute toward the utility costs whether or not each household participates in the program.

- 6) Households whose expense for heat or air conditioning, or both, is covered by indirect energy assistance payments under the Illinois Home Energy Assistance Program (47 Ill. Adm. Code 100) shall be entitled to the standard utility allowance (7 CFR 273.9 and 273.10(d)(6) (1990)). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or air conditioning, or both, are covered by indirect energy assistance payments.

- 7) Those households which are not billed separately for either heat or air conditioning are not entitled to claim the standard utility allowance but may claim the actual utility amounts for which they are billed separately, subject to the \$27 per month limitation for telephone expense.

- h) Excess Medical Deduction. A deduction for excess medical expenses shall be allowed for households which contain an elderly or disabled member as defined at 7 CFR 271.2 (1990) and Section 121.61. The medical expenses incurred by the qualifying household member which are over \$35 will be deducted, if the expenses will not be reimbursed by insurance or a third party.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Research2) Code Citation: 77 Ill. Adm. Code 20753) Section Numbers: 2075.10
Proposed Action: Repeal4) Statutory Authority: Implementing and authorized by Section 508(b) of the Illinois Controlled Substances Act [720 ILCS 570/508(b)].5) A Complete Description of the Subjects and Issues Involved: The purpose of this rulemaking is to repeal an outdated rule.6) Will this rulemaking replace any emergency rulemaking currently in effect?
No7) Does this rulemaking contain an automatic repeal date? No8) Does this rulemaking contain incorporations by reference? No9) Are there any other proposed rulemakings pending on this Part? No10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
217/785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:A) Types of small businesses, small municipalities and not for profit corporations affected: NoneB) Reporting, bookkeeping or other procedures required for compliance:
None

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

C) Types of professional skills necessary for compliance: None13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because:The full text of the Proposed Repealer begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

TITLE 77: PUBLIC HEALTH

CHAPTER X: DEPARTMENT OF HUMAN SERVICES

SUBCHAPTER e: CONTROLLED SUBSTANCES ACTIVITIES

PART 2075

RESEARCH (REPEALED)

Section

2075.10 Confidentiality of research subjects

AUTHORITY: Implementing and authorized by Section 508(b) of the Illinois Controlled Substances Act [720 ILCS 570/508(b)].

SOURCE: Adopted at 2 Ill. Reg. 8, p. 1, effective February 14, 1978; transferred July 1, 1984 to the Department of Alcoholism and Substance Abuse by the Alcoholism and Substance Abuse Act; codified at 8 Ill. Reg. 19339; recodified from Department of Alcoholism and Substance Abuse to Department of Human Services at 21 Ill. Reg. 9319; repealed at 24 Ill. Reg. _____, effective _____.

Section 2075.10 Confidentiality of research subjects

Authority: The provisions of this Part issued under Sec. 508(b) of the Illinois Controlled Substances Act [720 ILCS 570/508(b)].

- a) Any person authorized to conduct research in controlled substances under the Illinois Controlled Substances Act [720 ILCS 570], who intends to maintain the confidentiality of those persons who are the subjects of such research, shall upon authorization, or within a reasonable time thereafter, submit to the Secretary of the Department of Human Services, a separate request for each research project involving controlled substances, which shall contain the following:
 - 1) The researcher's authorization number for that project;
 - 2) The location of the research project;
 - 3) A general description of the research or a copy of the research protocol;
 - 4) A specific request to withhold the names and/or any other identifying characteristics of the research subjects; and
 - 5) The reasons supporting the request.
- b) Within 30 days from the date of receipt of the request, the Secretary shall issue a letter, either granting confidentiality, requesting additional information, or denying confidentiality, in which case the reasons for the denial shall be included. A grant of confidentiality shall be limited solely to the specific research project indicated in the request.
- c) Within 30 days after the date of completion of the research project, the researcher shall so notify the Secretary.
- d) Persons who are given this authorization may protect the privacy of individuals who are the subjects of such research by withholding from

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

all persons not connected with the conduct of the research the names and other identifying characteristics of such individuals. Persons so authorized shall not be compelled in any civil, criminal, administrative, legislative or other proceeding to identify the individuals who are the subjects of research for which the authorization was granted, except to the extent necessary to permit the Department to determine whether the research is being conducted in accordance with the authorization.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Accelerated Life Benefit/Terminal Illness/Qualified Conditions
- 2) Code Citation: 50 Ill. Adm. Code 1407
- 3) Section Numbers: Proposed Action:
1407.60 Amendment
1407.70 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 4 of the Illinois Insurance Code [215 ILCS 5/4].

5) A Complete Description of the Subjects and Issues Involved: The Department is initiating these amendments to correct a currently incomplete reference, and make several minor wording and punctuation changes for the sake of clarity.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Cindy Stephenson	Susan Anders
Staff Attorney	Paralegal
Department of Insurance	Department of Insurance
320 West Washington	320 West Washington
Springfield, Illinois 62767-0001	Springfield, Illinois 62767-0001
(217) 782-1785	(217) 785-8220

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

DEPARTMENT OF INSURANCE

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B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: The Department did not anticipate the need to make "housekeeping" changes in this rulemaking at the time these agendas were submitted.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER s: LEGAL RESERVE LIFE INSURANCE

PART 1407

ACCELERATED LIFE BENEFIT/TERMINAL ILLNESS/QUALIFIED CONDITIONS

Section	Purpose and Applicability
1407.10	Definitions
1407.20	Form Requirements
1407.30	Standards for Claims Payment
1407.40	Required Disclosure Provisions
1407.50	Actuarial Standards
1407.60	Actuarial Disclosure and Reserves

AUTHORITY: Implementing and authorized by Section 4 of the Illinois Insurance Code [215 ILCS 5/4].

SOURCE: Adopted at 15 Ill. Reg. 8872, effective June 7, 1991; amended at 22 Ill. Reg. 16462, effective September 1, 1998; amended at 23 Ill. Reg. 14688, effective December 14, 1999; amended at 24 Ill. Reg. _____, effective _____.

Section 1407.60 Actuarial Standards

a) Financing Options

- 1) The insurer may require a premium charge or cost of insurance charge for the accelerated benefit. In the case of group insurance, the additional cost may also be reflected in the experience rating. This premium charge or cost of insurance charge shall be based on subsections (a)(1)(A) and (B) ~~that~~ below:

- A) Either:
 - i) The current yield on 90-day treasury bills; or
 - ii) The current maximum statutory adjustable policy loan interest rate; and
- B) The reasonable estimates of incidence rates.

- 2) The insurer may pay a present value of the face amount. The calculation shall be based on any applicable actuarial discount appropriate to the policy design. The interest rate or interest rate methodology used in the calculation shall be reasonable and shall be disclosed in the contract or actuarial memorandum. The maximum interest rate used shall be no greater than the greater of:
 - A) The current yield on 90-day treasury bills; or
 - B) The current maximum statutory adjustable policy loan interest rate.

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- 3) The insurer may accrue an interest charge on the amount of the accelerated benefits. The interest rate or interest rate methodology used in the calculation shall be reasonable and shall be disclosed in the contract or actuarial memorandum. The maximum interest rate used shall be no greater than the greater of:
 - A) The current yield on 90-day treasury bills; or
 - B) The current maximum statutory adjustable policy loan interest rate.
- 4) The interest rate accrued on the portion of a lien described in subsection (b)(2) of this Section that is equal in amount to the cash value of the contract at the time of the benefit acceleration shall be no more than the policy loan interest rate stated in the contract.

b) Effect on Cash Value

- 1) Except as provided in subsection (b)(2) of this Section, when an accelerated benefit is payable, there shall be no more than a pro rata reduction in the cash value based on the percentage of death benefits accelerated to produce the accelerated benefit payment.
- 2) Alternatively, the payment of accelerated benefits, any administrative expense charges, any future premiums and any accrued interest can be considered a lien against the death benefit of the policy or rider. The access to the cash value may be restricted to any excess of the cash value over the sum of any other outstanding policy loans and liens. Future access to additional policy loans could also be limited to any excess of the cash value over the sum of the liens and any other outstanding policy loans.
- c) Effect of Any Outstanding Policy Loans on Accelerated Death Benefit Payment. When payment of an accelerated benefit results in a pro rata reduction in the cash value, the payment may not be applied toward repaying an amount greater than a pro rata portion of any outstanding policy loans.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 1407.70 Actuarial Disclosure and Reserves

- a) Actuarial Memorandum. Concurrently with the accelerated benefit policy form filing required by this Part, each insurer shall file with the Director an actuarial memorandum prepared by a qualified actuary that describes the accelerated benefits, the risks, the expected costs and the calculation of statutory reserves.
- b) When benefits are provided through the acceleration of benefits under group or individual policies or riders to such policies, policy reserves shall be determined in accordance with Section 223 of the Illinois Insurance Code [215 ILCS 5/223]. All valuation assumptions

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used in constructing the reserves shall be determined as appropriate for statutory valuation purposes by a qualified actuary. Reserves in the aggregate shall be sufficient to cover:

- 1) Policies upon which no claim has yet arisen; and
- 2) Policies upon which an accelerated benefits claim has arisen.
- c) For policies and certificates which provide actuarially equivalent benefits, no additional reserves need to be established.
- d) Policy liens and policy loans, including accrued interest, represent assets of the company for statutory reporting purposes. For any policy on which the policy lien exceeds the policy's statutory reserve liability, such excess must be held as a non-admitted asset.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Controlled Substances Act
- 2) Code Citation: 77 Ill. Adm. Code 3100
- 3) Section Numbers:

3100.10	Amendment	<u>Proposed Action:</u>
3100.30	Amendment	
3100.85	New Section	
3100.470	Amendment	
- 4) Statutory Authority: Illinois Controlled Substances Act [225 ILCS 425]
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 90-61 granted limited prescriptive authority to physician assistants, while PA 90-742 and PA 91-414 granted it to advanced practice nurses. Under these statutory changes, both physician assistants and advanced practice nurses may obtain mid-level practitioner licenses to prescribe controlled substances when authorized by a physician in accordance with their licensure Act. PA 90-818 addressed problems associated with the issuance of mid-level practitioner controlled substances licenses expressed by the federal Drug Enforcement Administration. This proposed rulemaking implements the creation of mid-level practitioner controlled substances licenses under the Illinois Controlled Substances Act.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
 Attention: Jean A. Courtney
 320 West Washington, 3rd Floor
 Springfield, IL 62786
 217/785-0813 Fax: 217/782-7645

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

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NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those using or offering the services of a mid-level practitioner such as a physician assistant or advanced practice nurse.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: Individuals must be licensed as physician assistants or advanced practice nurses and have authorization from a physician.

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER XV: DEPARTMENT OF PROFESSIONAL REGULATION

PART 3100

ILLINOIS CONTROLLED SUBSTANCES ACT

Section	
3100.10	Definitions
3100.20	Copies of This Part
3100.30	Renewal Periods and Fees
3100.40	Time and Method of Payment
3100.50	Separate Registration for Independent Activities
3100.60	Exempted Locations
3100.70	Requirements of Registration
3100.80	Exemption of Agents and Employees: Affiliated Practitioners
3100.85	Application for Mid-level Practitioner Controlled Substances License
3100.90	Time for Application for Registration: Expiration Date
3100.100	Application Forms
3100.110	Filing of Application: Joint Filings
3100.120	Acceptance for Filing: Defective Applications
3100.130	Additional Information
3100.140	Amendments to and Withdrawal of Applications
3100.150	Certificate of Registration: Denial of Registration
3100.160	Suspension or Revocation of Registration
3100.170	Suspension of Registration Pending Final Order
3100.180	Extension of Registration
3100.190	Hearing Officer
3100.200	Hearings and Notices
3100.210	Procedures for Hearing
3100.220	Hearing--Pursuant to Paragraph 1305(b)
3100.230	Default Disposition of a Contested Case
3100.240	Recording of Testimony
3100.250	Recording of Hearing
3100.260	Rehearing
3100.270	Final Decisions and Orders
3100.280	Modification in Registration
3100.290	Termination of Registration
3100.300	Transfer of Registration
3100.310	Security Requirements Generally
3100.320	Factors in Evaluating Physical Security Systems
3100.330	Physical Security Controls for Non-Practitioners
3100.340	Physical Security Controls for Practitioners
3100.350	Other Security Controls for Practitioners
3100.360	Record and Inventorying Requirements Generally
3100.370	Persons Entitled to Issue Prescriptions
3100.380	Purpose of Issue of Prescription
3100.390	Manner of Issuance of Prescription
3100.400	Requirement of Prescription

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF PROPOSED AMENDMENTS

"Basic Class" is defined as set forth in Title 21, Chap. II, Sec. 1301.02 of the Federal Regulations relating to Food and Drugs (21 CFR 1301.02).

"Controlled Substances Code Number" means the number assigned to controlled substances and controlled drug preparations by the Drug Enforcement Administration of the Department of Justice.

"Department" means the Department of Professional Regulation of the State of Illinois.

"Director" means the Director of the Department of Professional Regulation of the State of Illinois.

"Hearing Officer" means either the Director or any person he/she appoints pursuant to Section 3100.190 of this Part. Such person shall have full power to receive evidence, decide evidentiary questions, issue subpoenas and otherwise conduct a hearing.

"Individual Practitioner" means a physician, dentist, veterinarian, podiatrist or therapeutically certified optometrist licensed in the State of Illinois to practice his/her profession, a licensed physician assistant who issues a prescription for a Schedule III, IV, or V controlled substance in accordance with the written guidelines required under Section 7.5 of the Physician Assistant Practice Act of 1987, or a licensed advanced practice nurse with prescriptive authority, in accordance with Section 303.05 and a written collaborative agreement under Sections 15-15 and 15-20 of the Nursing and Advanced Practice Nursing Act.

"Institutional Practitioner" means a hospital or other party (other than an individual) licensed, registered or otherwise permitted by the State of Illinois to dispense a controlled substance in the course of professional practice but does not include a pharmacy.

"Midlevel Practitioner Controlled Substances License" is a license issued to a licensed physician assistant or licensed advanced practice nurse authorized to prescribe by a physician in accordance with the professional licensure Act of the profession.

"Registrant" means a person or party registered or licensed under or holding a certificate of registration or license pursuant to the Act.

"Rules" means this Part.

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- 3100.410 Refilling of Prescription
- 3100.420 Partial Filling of Prescriptions
- 3100.430 Prescriptions from Out-of-State Practitioners and Exempt Federal Practitioners
- 3100.440 Authority to Make Inspections
- 3100.450 Inspections
- 3100.460 Failure to Comply with Rules
- 3100.470 Address for Notices
- 3100.480 Suspension or Modification of Rules and Regulations
- 3100.490 Construction of Rules and Regulations
- 3100.500 Written Order
- 3100.510 Paragraph 1312(d) Record Keeping
- 3100.520 Emergency Medication Kits
- 3100.530 Transfer Between Pharmacies of Prescription Information for Refill Purposes

AUTHORITY: Implementing and authorized by the Illinois Controlled Substances Act [720 ILCS 570].

SOURCE: Rules and Regulations promulgated for the Administration of the Illinois Controlled Substances Act, effective October 22, 1975; amended at 1 Ill. Reg. 38, p. 277, effective September 20, 1979; amended at 4 Ill. Reg. 46, p. 1297, effective November 5, 1980; amended at 5 Ill. Reg. 3528, effective March 25, 1981; amended at 5 Ill. Reg. 8693, effective August 12, 1981; amended at 6 Ill. Reg. 10015, effective August 5, 1982; codified at 8 Ill. Reg. 543; amended at 8 Ill. Reg. 2498, effective February 9, 1984; amended at 8 Ill. Reg. 16344, effective August 23, 1984; amended at 11 Ill. Reg. 18246, effective October 27, 1987; transferred from Chapter VII, 77 Ill. Adm. Code 1650 (Department of Registration and Education) to Chapter XV, 77 Ill. Adm. Code 3100 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2922; amended at 20 Ill. Reg. 9063, effective July 1, 1996; amended at 24 Ill. Reg. _____, effective _____.

Section 3100.10 Definitions

- a) Authority: This Part is made and issued by the Department of Professional Regulation pursuant to the Illinois Controlled Substances Act [720 ILCS 570], which empowers the Department to promulgate rules relating to the registration and control of the manufacture, distribution and dispensing of controlled substances within this State.
- b) Definitions: ~~The unless-the-context-clearly-requires--otherwise--the following terms shall be defined as follows have-the-meanings-ascribed to-them-herein:~~

"Act" means the Illinois Controlled Substances Act [720 ILCS 570].

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(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 3100.30 Renewal Periods and Fees

a) Renewal Periods

- 1) Registration/licensure to dispense. Every certificate of registration or license to dispense controlled substances listed in Schedules II through V of the Illinois Controlled Substances Act (411--Rev--Stat--1981--ch--56-1/2, pars--1205-1212) shall expire on the date the certificate holder's superior professional license expires, as set by the rules for the administration of the applicable professional licensing Act.
- 2) Other controlled substances registrations. Every certificate of registration to conduct instructional activities, to conduct chemical analyses, and as a manufacturer or wholesale distributor, shall expire on December 31 of each even numbered year.
- 3) The holder of a certificate of registration may renew such certificate during the month preceding the expiration date thereof by paying the required fee.
- 4) It is the responsibility of each registrant to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee.

b) Fees

- 1) The fee for a certificate of registration to dispense controlled substances listed in Schedules II through V of the Illinois Controlled Substances Act (411--Rev--Stat--1981--ch--56-1/2, pars--1205-1212) is \$5. The fee for the renewal of such registration shall be calculated at the rate of \$5 per year.
- 2) The fee for a mid-level practitioner controlled substances license is \$5. The fee for renewal of a license shall be calculated at the rate of \$5 per year.
- 3) The fee for a certificate of registration to conduct instructional activities is \$5. The fee for the renewal of such registration shall be calculated at the rate of \$5 per year.
- 4) The fee for a certificate of registration to conduct chemical analyses is \$50. The fee for the renewal of such registration shall be calculated at the rate of \$50 per year.
- 5) The fee for a certificate of registration as a manufacturer or wholesale distributor is \$50, except the fee for registration as a manufacturer or wholesale distributor of controlled substances that may be dispensed without a prescription shall be \$15. The fee for the renewal of such registration shall be calculated at the rate of \$50 per year and \$15 per year, respectively.
- 6) The fee shall be waived for governmental institutions that manufacture, distribute or dispense controlled substances or

DEPARTMENT OF PROFESSIONAL REGULATION

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engage in chemical analyses or instructional activities.
 c) Fees--may be prorated over the initial renewal period to provide for a fair transition period to the new renewal schedule.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 3100.85 Application for Mid-Level Practitioner Controlled Substances License

- a) An applicant for a mid-level practitioner controlled substances license shall file an application on forms provided by the Department. The application shall include:
 - 1) The physician assistant or advanced practice nurse license number. The license shall be active and in good standing.
 - 2) The license number and controlled substances license number of the delegating physician.
 - 3) A notice of delegation of prescriptive authority signed by the physician indicating the schedule of controlled substances that the practitioner may dispense or prescribe. A separate notice of delegation of prescriptive authority shall be submitted if the physician assistant will be supervised by more than one physician; and
 - 4) The required fee.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 3100.470 Address for Notices

- a) Unless the Act or this Part otherwise provides, all notices required by this Part to be sent to the Department or Director shall be sent to the Department of Professional Regulation, 100 West Randolph, Suite 9-300, 100--West-Randolph-Street--9th-Floor, Chicago, Illinois 60601, by certified mail, return receipt requested.
- b) Street Address
 - 1) Every applicant or registrant shall provide the Department with an address to which all communications from the Department to such applicant or registrant shall be sent. Such address shall be an actual street address and shall include the city or town, state and zip code number.
 - 2) Furnishing of post office box numbers or other forms of address shall not constitute sufficient compliance with subsection (b)(1) subparagraph--(i) hereof.
 - c) The address required by subsection (b) hereof shall be provided by the applicant or registrant either as part of his/her application for registration or renewal or by letter to the Department sent--certified mail--return--receipt--requested.

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(Source: Amended at 24 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Physician Assistant Practice Act of 1987

2) Code Citation: 68 Ill. Adm. Code 1350

3) Section Numbers:
1350.20 Proposed Action:
Amendment
1350.40 Amendment
1350.50 Amendment
1350.55 New Section
1350.116 Amendment
1350.117 Amendment

4) Statutory Authority: Physician Assistant Practice Act [225 ILCS 95]

5) A Complete Description of the Subjects and Issues Involved: Public Act 90-0061, effective December 30, 1997, includes the reauthorization of the Physician Assistant Practice Act. Among its changes were increasing the number of physician assistants that may be supervised by a physician and the delegation of limited prescriptive authority to physician assistants. This proposed rulemaking establishes guidelines for the delegation of such authority. Problems with the statutory language from the federal Drug Enforcement Administration (DEA), however, necessitated withdrawal of the first attempt at implementing this provision; PA 90-818, effective March 23, 1999, corrected those problems.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813; Fax: 217/782-7645

All written comments received within 45 days of this issue of the Illinois Register will be considered.

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12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing physician assistant services.
- B) Reporting, bookkeeping or other procedures required for compliance:
None

- C) Types of professional skills necessary for compliance: Physician assistant skills are required for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1350
PHYSICIAN ASSISTANT PRACTICE ACT
OF 1987

Section	Statutory Authority (Repealed)
1350.10	Definitions
1350.20	Fees
1350.25	Approved Programs
1350.30	Application for Licensure
1350.40	Temporary Certificate
1350.50	Prescriptive Authority
1350.55	Identification
1350.60	Permitted Tasks (Repealed)
1350.70	Supervision of Performance
1350.80	Scope and Function
1350.90	Notification of Employment
1350.100	Employment by a Professional Corporation or Partnership
1350.110	Renewals
1350.115	Restoration
1350.116	Endorsement
1350.117	Granting Variances
1350.120	

AUTHORITY: Implementing Section 9 of the Physician Assistant Practice Act of 1987 [225 ILCS 95] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 4 Ill. Reg. 34, p. 200, effective August 13, 1980; codified at 5 Ill. Reg. 11051; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 8 Ill. Reg. 3027, effective February 29, 1984; transferred from Chapter I, 68 Ill. Adm. Code 350 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1350 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2960; amended at 18 Ill. Reg. 18046, effective December 12, 1994; amended at 22 Ill. Reg. 3891, effective February 5, 1998; amended at 23 Ill. Reg. 3999, effective March 19, 1999; amended at 24 Ill. Reg. _____, effective _____.

Section 1350.20 Definitions

"Act" means the Physician Assistant Practice Act of 1987 [225 ILCS 95].

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"Advisory Committee" means the Physician Assistant Advisory Committee to the Medical Licensing Board.

"Alternate Supervising Physician" means a physician designated by the supervising physician in accordance with Section 4(8) of the Act. The alternate supervising physician shall maintain all the same responsibilities as the supervising physician. *Nothing in this Part shall be construed as to limit the reasonable number of alternate supervising physicians provided they are designated by the supervising physician.* (Section 4 of the Act [225 ILCS 95/4])

"Department" means the Department of Professional Regulation of the State of Illinois.

"Disciplinary Board" means the Medical Disciplinary Board established pursuant to Section 7 of the Medical Practice Act [225 ILCS 60].

"Licensing Board" means the Medical Licensing Board established pursuant to Section 8 of the Medical Practice Act.

Mid-level Practitioner Controlled Substances License" means a license issued by the Department pursuant to the Illinois Controlled Substances Act to a licensed physician assistant who has been delegated prescriptive authority by a supervising physician for Schedule III, IV and/or V controlled substances.

"Physician Assistant" means a person licensed by the Department and who practices in accordance with the provisions set forth in the Physician Assistant Practice Act of 1987. A physician assistant is only authorized to practice within the current scope of practice of the supervising physician/alternate supervising physician and is further limited by his/her education, training and experience.

"Supervising Physician" means a physician licensed to practice medicine in all of its branches under the Medical Practice Act and who is the primary supervising physician of the physician assistant in accordance with Section 4(7) of the Act. *No more than two physician assistants shall be supervised by the supervising physician, although a physician assistant shall be able to hold more than one professional position.* (Section 7 of the Act)

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 1350.40 Application for Licensure

- a) An applicant for licensure as a physician assistant shall file an application on forms provided by the Department. The application

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shall include:

- 1) Certification of graduation from an approved program that meets the requirements set forth in Section 1350.30 of this Part or certification from the National Commission on Certification of Physician Assistants, or its successor agency, that the applicant has substantially equivalent training and experience;
 - 2) Certification of successful completion of the Physician Assistant National Certifying Examination. The certification shall be forwarded to the Department from the National Commission on Certification of Physician Assistants, or its successor agency;
 - 3) A complete work history since graduation from a physician assistant program;
 - 4) Certification, on forms provided by the Department, from all states in which an applicant was licensed and is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that state, including the date of the original issuance of the license;
 - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending;
 - 5) The fee required in Section 1350.25 of this Part.
- b) A physician assistant license will be issued when the applicant meets the requirements set forth above. However, a physician assistant may not practice until a notice of employment has been filed in accordance with Section 1350.100 of this Part.
- c) A physician assistant who is delegated prescriptive authority will be required to submit a notice of prescriptive authority signed by the supervising physician. If supervised by more than one physician, a separate notice of prescriptive authority shall be submitted. In addition, if prescriptive authority includes Schedule III, IV and/or V controlled substances, the physician assistant will be required to apply for a mid-level practitioner license in accordance with the Illinois Controlled Substances Act.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 1350.50 Temporary Certificate

- a) A person may obtain a temporary certificate pursuant to Section 14 of the Act by filing an application for physician assistant licensure in accordance with Section 1350.40. In lieu of the certification of successful completion of the examination required in Section 1350.40(a)(2), the applicant shall submit:
- 1) Proof of admission to the Physician Assistant National Certifying Examination given by the National Commission on Certification of Physician Assistants or its successor agency; and
 - 2) An authorization to release examination scores from the National

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Commission on Certification of Physician Assistants, or its successor agency, to the Department.

- b) Qualified applicants shall receive a temporary certificate which shall be valid until:

- 1) Notification of failure of the examination;
 - 2) Certification from the National Commission on Certification of Physician Assistants of passage of the examination, at which time the physician assistant license will be issued; or
 - 3) 15 months has elapsed.
- c) A physician assistant may not practice on a temporary certificate until a notice of employment has been filed in accordance with Section 1350.100 of this Part.
- d) Prescriptive authority may not be delegated to a holder of a temporary certificate.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 1350.55 Prescriptive Authority

- a) A supervising physician may delegate limited prescriptive authority to a physician assistant. This authority may, but is not required to, include prescription and dispensing of legend drugs and legend controlled substances categorized as Schedule III, IV, or V controlled substances, as defined in Article II of the Illinois Controlled Substances Act, as delegated in the written guidelines required by the Physician Assistant Practice Act of 1987. To prescribe Schedule III, IV, or V controlled substances under this Section, a physician assistant must obtain a mid-level practitioner controlled substances license. Medication orders issued by a physician assistant shall be reviewed periodically by the supervising physician. The supervising physician shall file with the Department notice of delegation of prescriptive authority to a physician assistant and termination of delegation, specifying the authority delegated or terminated. Upon receipt of this notice delegating authority to prescribe Schedule III, IV, or V controlled substances, the physician assistant shall be eligible to register for a mid-level practitioner controlled substances license under Section 303.05 of the Illinois Controlled Substances Act. Nothing in this Act shall be construed to limit the delegation of tasks or duties by the supervising physician to a nurse or other appropriately trained personnel. (Section 7.5 of the Act)
- b) Written Guidelines.

- 1) If the supervising physician has delegated prescriptive authority to the physician assistant, the written guidelines shall include a statement indicating that the supervising physician has delegated prescriptive authority for legend drugs and any schedule of controlled substances. The delegation must be appropriate to the physician's practice and within the scope of

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- the physician assistant's training.
- 2) The written guidelines shall be signed by both the physician and the physician assistant and a copy maintained at each location where the physician assistant practices along with the physician assistant's state controlled substance license number and the Drug Enforcement Administration (DEA) registration number.

- c) A physician assistant may only prescribe or dispense prescriptions or orders for drugs and medical supplies within the scope of practice of the supervising physician or alternate supervising physician.
- d) The name of the supervising physician shall appear on any prescription written by the physician assistant.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 1350.116 Restoration

- a) A person seeking restoration of a license that has expired for 3 years or less shall have the license restored upon payment of all lapsed renewal fees required by Section 1350.25 of this Part.
- b) A person seeking restoration of a license that has been placed on inactive status for 3 years or less shall have the license restored upon payment of the current renewal fee.
- c) A person seeking restoration of a license after it has expired or been placed on inactive status for more than 3 years shall file an application, on forms supplied by the Department, including the applicant's work history since the license expired and the fee required by Section 1350.25 of this Part. The person shall also submit either:
 - 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant was authorized to practice during the term of said active practice; or
 - 2) An affidavit attesting to military service as provided in Section 15 of the Act; or
 - 3) Successful completion of the examination administered by and proof of current certification from the National Commission on the Certification of Physician Assistants or its successor agency.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration of a license shall be requested to:
 - 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Advisory Committee to explain such relevance or sufficiency, clarify information or clear up

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any discrepancies or conflict in information. Upon the recommendation of the Licensing Board and approval by the Director, an applicant shall have the license restored or will be required to submit to the Department a notice of delegated prescriptive authority. If supervised by more than one physician, a separate notice of prescriptive authority shall be submitted. In addition, if prescriptive authority includes Schedule III, IV and/or V controlled substances, the physician assistant will be required to apply for a mid-level practitioner license in accordance with the Illinois Controlled Substances Act.

e) A physician assistant license will be issued when the applicant meets the requirements set forth above. However, a physician assistant may not practice until a notice of employment has been filed in accordance with Section 1350.100 of this Part.

f) A physician assistant who is delegated prescriptive authority will be required to submit to the Department a notice of delegated prescriptive authority. If supervised by more than one physician, a separate notice of prescriptive authority shall be submitted. In addition, if prescriptive authority includes Schedule III, IV and/or V controlled substances, the physician assistant will be required to apply for a mid-level practitioner license in accordance with the Illinois Controlled Substances Act.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 1350.117 Endorsement

a) An applicant for licensure as a physician assistant who is licensed under the laws of another state shall file an application with the Department which shall include:

1) A certification from all states in which the applicant was licensed and is currently licensed, stating:

A) The time during which the applicant was licensed in that jurisdiction; and

B) Whether the file on the applicant contains any record of any disciplinary actions taken or pending;

2) A complete work history indicating all employment since graduation from a program that meets the requirements set forth in Section 1350.30;

3) Certification of successful completion of the Physician Assistant National Certifying Examination given by the National Commission on Certification of Physician Assistants, or its successor agency;

4) The required fee set forth in Section 1350.25 of this Part.

b) The Department shall examine each endorsement application to determine whether the requirements in the other state at the date of licensing were substantially equivalent to the requirements then in force in this State and whether the applicant has otherwise complied with the Act. The Department shall either issue a license by endorsement or notify the applicant of the reasons for the denial of the application.

c) A physician assistant license will be issued when the applicant meets the requirements set forth above. However, a physician assistant may

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not practice until a notice of employment has been filed in accordance with Section 1350.100 of this Part.

d) A physician assistant who is delegated prescriptive authority will be required to submit to the Department a notice of delegated prescriptive authority. If supervised by more than one physician, a separate notice of prescriptive authority shall be submitted. In addition, if prescriptive authority includes Schedule III, IV and/or V controlled substances, the physician assistant will be required to apply for a mid-level practitioner license in accordance with the Illinois Controlled Substances Act.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits

2) Code Citation: 92 Ill. Adm. Code 1040

3) Section Number: 1040.105
Proposed Action:
New Section

4) Statutory Authority: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking is being proposed to implement Public Act 91-277 that gives the Tollway Authority pursuant to subsection (a-5) of Section 10 of the Toll Highway Act to send a notice of impending suspension of drivers licenses and/or vehicle registrations of drivers who have unsatisfied fines or penalties for toll violations or evasions.

6) Will this proposed rulemaking replace an emergency amendment currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will have no effect on units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Robert W. Mueller
Assistant General Counsel
2701 South Dirksen Parkway
Springfield IL 62723
217-782-5356

12) Initial Regulatory Flexibility Analysis:

A) Types of small business, small municipalities and not for profit corporations affected: None

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B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: the Illinois Toll Highway Authority and the Secretary of State have recently completed the Agreement which establishes the enforcement and administrative procedures pursuant to subsection (a-5) of Section 10 of the Toll Highway Act as specified in Public Act 91-277, which became effective January 1, 2000.

The full text of the proposed amendment is identical to the text of the Emergency Amendment appearing on page 8400 in this issue of the Illinois Register.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Commercial Driver Training Schools

2) Code Citation: 92 Ill. Adm. Code 1060

3) Section Numbers: Proposed Action:

1060.50

Amendment

1060.110

Amendment

1060.180

Amendment

1060.190

Amendment

1060.200

Amendment

4) Statutory Authority: Implementing Article V of the Illinois Driver Licensing Law of the Illinois Vehicle Code 5B625 ILCS 5/Ch. 6, Art. V5D and authorized by Section 2-104(b) of the Illinois Title and Registration Law of the Illinois Vehicle Code 5B625 ILCS 5/2-104(b)5D.

5) A Complete Description of the Subjects and Issues Involved: These proposed amendments are necessary to bring consistency and to close loopholes in dealing with commercial driving school employees, who are indicted, as well as requiring more stringent procedures for the curriculum, records and recordkeeping by commercial driver training schools.

6) Will this proposed rulemaking replace and emergency amendment currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will have no effect on units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Robert W. Mueller
Assistant General Counsel
2701 South Dirksen Parkway
Springfield, IL 62723
217/782-5356

12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State feels this proposed rulemaking will have no affect on

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any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

13) Regulatory Agenda in which this rulemaking was summarized: State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: This rulemaking is being proposed for further action on the previously adopted emergency rule in regard to the third-party certification program.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment appearing on page 8405 in this issue of the Illinois Register.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Purchasing
- 2) Code Citation: 44 Ill. Adm. Code 1125
- 3) Section Numbers: 1125.10
Adopted Action: Repealed
- 4) Statutory Authority: The Illinois Procurement Code [30 ILCS 500]
- 5) Effective Date of Repealer: June 22, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice(s) of Proposal Published in Illinois Register: July 9, 1999; 28 Ill. Reg. 7696
- 10) Has JCAR issued a Statement of Objections to this repealer? No
- 11) Differences between proposed and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this repealer replace an emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: Repeals a Part made obsolete by the adoption of 44 Ill. Adm. Code 1120 under the Illinois Procurement Code [30 ILCS 500].
- 16) Information and questions regarding these adopted repealers shall be directed to:

Whitney Wagner Rosen, Legislative Counsel
Illinois Office of the Comptroller
201 State Capitol
Springfield, Illinois 62706-0001
(217) 782-6000

COURT OF CLAIMS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Court of Claims Regulations
- 2) Code Citation: 74 Ill. Adm. Code 790
- 3) Section Numbers:
790.10
790.20
790.25
790.40
790.50
790.55
790.60
790.90
790.100
790.110
790.155
790.160
790.170
790.180
790.200
790.210
790.220
790.240
790.270
Adopted Action:
Amendment
Amendment
New Section
Amendment
Amendment
New Section
Amendment
Amendment
Amendment
Amendment
New Section
Amendment
Amendment
Amendment
Amendment
Amendment
Repealed
Amendment
- 4) Statutory Authority: Implementing and authorized by the Court of Claims Act [705 ILCS 505]
- 5) Effective Date of Rulemaking: July 1, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 18, 2000, 24 Ill. Reg. 2536
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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13) Will this rulemaking replace an emergency rulemaking currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of Rulemaking: The Part, which governs the procedures by which cases proceed in the Court of Claims, is being revised to update statutory references caused by the codification of the Court of Claims Act in the Illinois Compiled Statutes, to reflect statutory changes, and to update practices and procedures of the Court of Claims. The adopted amendments reflect the statutory changes concerning the times of meeting and fees to be charged for filing. The adopted amendments change the requirements for pleadings and motions, the discovery process, and the issuance of subpoenas.

16) Information and questions regarding these adopted amendments shall be directed to:

Andrew M. Raucci
Chief Justice
Court of Claims
Springfield, Illinois 62756
217/782-0111

The full text of the adopted amendments begins on the next page:

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TITLE 74: PUBLIC FINANCE
CHAPTER VI: COURT OF CLAIMS

PART 790

COURT OF CLAIMS REGULATIONS

SUBPART A: COURT OF CLAIMS RULES

Section	
790.10	Terms of Court
790.20	Pleadings and Practice
790.25	Rule References
790.30	Pleadings -- Forms
790.40	Procedure
790.50	Complaint-Required Provisions
790.55	Discovery
790.60	Exhaustion of Remedies
790.70	General Continuance -- Status Report
790.80	Death of Claimant
790.90	Dismissal
790.100	Answer by Respondent
790.110	Hearings -- Assignments and Continuances
790.120	Transcript of Evidence
790.130	Costs of Evidence
790.140	Departmental Records and Reports -- Prima Facie Evidence
790.150	Medical Examination of Claimant
790.155	Subpoenas
790.160	Excerpts from the Record
790.170	Briefs
790.180	Excerpts Abstracts and Briefs -- Time for Filing
790.190	Extension of Time
790.200	Motions
790.210	Oral Argument of Case
790.220	Rehearing of New Trial -- Time to File
790.230	Rehearing -- Procedure
790.240	New Trial (Repealed)
790.250	Records -- Calendar
790.260	Dismissal for want of Prosecution
790.270	Fees and Costs

SUBPART B: ADOPTION AND EFFECTIVE DATES

Section	
790.280	Adoption and Effective Dates

AUTHORITY: Authorized by Section 9A and implementing the Court of Claims Act [705 ILCS 505].

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SOURCE: Rules of the Court of Claims, filed and effective July 1, 1975; codified at 82 Ill. Reg. 2111; recodified at 6 Ill. Reg. 2594; amended at 24 Ill. Reg. 8228, effective Jul 1 2000.

SUBPART A: COURT OF CLAIMS RULES

Section 790.10 Terms of Court

The Court shall hold sessions at such places as it deems necessary to expedite the business of the Court. [705 ILCS 505/6] The Court shall hold a regular session at the Capital of the State on the second Tuesday of January, May, and November of each year, and such special sessions at such places as it deems necessary to expedite the business of the Court.

(Source: Amended at 24 Ill. Reg. 8228, effective Jul 1 2000)

Section 790.20 Pleadings and Practice

Except as herein otherwise provided by this Part or by the Court of Claims Act [705 ILCS 505], pleadings and practice shall follow the Civil Practice Law [735 ILCS 5/Art II] Civil Practice Act of Illinois (Ill. Rev. Stat. 1979, ch. 110, par. 1-1 et seq.) and the Rules of the Supreme Court of Illinois (Ill. Rev. Stat. 1979, ch. 110A, par. 1-1 et seq.).

(Source: Amended at 24 Ill. Reg. 8228, effective Jul 1 2000)

Section 790.25 Rule References

Sections in this Part may be referred to as Rules. For example, Section 790.10 may be referred to as Rule 10, Section 790.20 may be referred to as Rule 20, and so on.

(Source: Added at 24 Ill. Reg. 8228, effective Jul 1 2000)

Section 790.40 Procedure

- a) Filing. Cases shall be commenced by the filing of a verified complaint with the Clerk of the Court. A party filing a case shall be designated as the claimant, and either the State of Illinois or the appropriate State agency (Section 8(d) Sec. 8B, Court of Claims Act [705 ILCS 505/8(d)]) (Ill. Rev. Stat. 1979, ch. 37, par. 439-8(d)) shall be designated as the respondent. The Clerk will note on the complaint, and each copy, the date of filing, and deliver one of the said copies to the Attorney General or to the legal counsel of the appropriate State agency. Joinder of claimants in one case is permitted, as

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provided by the Code of Civil Procedure [735 ILCS 5] Civil Practice Act of Illinois.

- b) Attorney of Record. In all cases filed in this Court, all claimants not appearing pro se must be represented of record by a member of the Illinois bar residing in Illinois. However, any attorney in good standing, duly admitted to practice in the state where he resides, may, upon motion, be permitted to appear of record, and represent a claimant. If the name of an attorney, his address, and telephone number appear on a complaint, no written appearance for such attorney need be filed, but withdrawal and substitution of attorneys shall be by written motion, with proof of service upon the claimant in writing, and filed in the case.
- c) Complaint-form. The complaint shall be captioned substantially as follows:

IN THE COURT OF CLAIMS OF THE
STATE OF ILLINOIS

A.B.,)
)
 Claimant)
)
 vs.) No.)
) \$) Amount Claimed
 STATE OF ILLINOIS (or)
 the appropriate)
 State Agency),)
)
 Respondent)

(Source: Amended at 24 Ill. Reg. 8228, effective Jul 1 2000)

Section 790.50 Complaint-Required Provisions

- a) General. A complaint shall be verified and must set forth fully in the following order:
- 1) Nature of the Claim. A statement of the nature of the claim, its basis (tort, contract, etc.) and each State officer or agency that is alleged to be responsible, in whole or in part, for the liability asserted in the claim; if the claim is against a State employee, the basis upon which liability is claimed against the State must be specifically stated.
 - 2) Jurisdiction. The the Section section of the Court of Claims Act under which jurisdiction is asserted recovery-is-sought;
 - 3) Fact allegations. All appropriate allegations of fact required to set forth the claimant's cause of action;
 - 4) History of Claim. Whether the claim has been previously

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presented to any State department or officer thereof, or has been the subject of administrative proceedings, and if so: presented.

A) claimant ~~shall~~ state when and to whom or which administrative body the claim was presented;

B) the claimant shall state any action taken on behalf of the claim by the State or the appropriate State agency or officer and by each administrative body that has considered the in connection with said claim;

54) Ownership. What persons are owners of the claim or interested therein, and when and upon what consideration such persons became so interested;

65) Assignments. That no assignment or transfer of the claim, or any part thereof or interest therein, has been made except as stated in the complaint;

76) Entitlement. That claimant is justly entitled to the amount therein claimed from the State of Illinois or the appropriate State agency after allowing all just credits;

87) Verification. That claimant believes the facts stated in the complaint are to be true;

98) Whether this claim or any other claim arising out of the same occurrence (against any person, firm or governmental agency other than the State of Illinois or any of its officers or agencies) has been previously presented to any person, firm, court corporation or administrative tribunal other than the State of Illinois, and, if so:

A) state when, to whom, and what action was taken thereon by each person, firm, court or administrative tribunal; and

B) what payments or other considerations, if any, have been received. (Claimant must file with the Clerk of the Court copies of all instruments evidencing such payment or consideration.);

10) Status of Respondent. If a State officer or agency or department of the State is sued in a capacity as holder, administrator or trustee of a fund, or as executor or administrator of a trust or estate, or as a guardian, conservator or any similar capacity, the complaint shall identify:

A) the fund, estate, trust or other entity involved;

B) the statute or principle of law governing the creation of the fund or other entity; and

C) any instrument or order of court or administrative or governmental agency creating such capacity or fund or entity;

119) Damages. A bill of particulars, stating in detail each item of damages, and the amount claimed on account thereof;

1210) If the claimant is be an executor, administrator, guardian or other representative appointed by a judicial tribunal, if so, a duly certified copy of the record of appointment must be filed with the complaint.

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b) Personal injuries. Where a complaint alleges damages as a result of personal injuries, claimant shall:

1) Attach to the complaint, as a separate item, copies of the notices served as required by Sec. 22-1 of the Court of Claims Act, [705 ILCS 505/22-1] ~~1117-Rev. Stat. 1979, ch. 37, par. 439-22-17~~, showing how and when the such notices were served.

2) Include with the bill of particulars, as required by subsection Section-798-59(a)(11)(f) of this Section, the names and addresses of all persons providing medical services; if hospitalized, name name(s) of hospital hospital(s) and dates of hospitalization; name of claimant's employer, place of employment, and dates of time lost, if any dates thereof.

c) Contracts. If the claimant bases the complaint upon a contract, or other instrument in writing, a copy thereof shall be attached thereto for reference.

d) Lapsed appropriations. All claims for services or materials furnished to the State of Illinois, payment of which has been denied solely because of a lapsed appropriation, shall be filed with the Clerk of the Court of Claims in the following manner:

1) Claims shall be initiated by filing with the Clerk of the Court of Claims 6 copies of a verified lapsed appropriation claim form (available upon request from the Clerk's office) or a facsimile thereof.

2) Respondent shall confirm or deny that such sum of money or any sum of money is due the said claimant.

3) Claims against no more than one department or State agency shall be included in each complaint.

4) Claimant's name and address, or that of his attorney, shall appear at the bottom of the complaint.

(Source: Amended at 24 Ill. Reg. 8228 - 3, effective 11/1/2000)

Section 790.55 Discovery

Discovery shall be conducted in accordance with the Civil Practice Law [735 ILCS 5/Art. II] and the Rules of the Supreme Court of Illinois, except as follows:

a) Discovery requests and responses to discovery requests, including interrogatories and requests for production of documents, shall not be filed with the Clerk of the Court unless ordered by the Court, a Judge thereof, or a Commissioner. Requests for admission and the responses thereto shall be filed with the Clerk of the Court.

b) For claims involving property of inmates incarcerated in Illinois Department of Corrections facilities, the respondent shall forward to the claimant, or, if claimant is represented, claimant's attorney, copies of the following documents in the possession or control of the Department of Corrections within 120 days after the filing of the

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complaint. The complaint is not deemed filed during the pendency of a petition for leave to proceed in forma pauperis.

- 1) Grievances and appeals of grievances pertaining to the property in question filed by the claimant, and all responses thereto.
- 2) Any personal property inventory sheets and property permits or contracts that tend to prove or disprove ownership of the property in question.
- 3) Incident reports, disciplinary reports, and "shakedown" receipts relevant to the subject of the claim.

The deadline for forwarding these documents to claimant is tolled during the consideration of a motion to dismiss or any other motion the granting of which would dispose of the case. The deadline for forwarding these documents to claimant is tolled during the consideration of a motion to dismiss filed by respondent. No other discovery is permitted in these claims except by order of the Court, a Judge thereof, or a Commissioner.

c) For claims involving personal injury of inmates while incarcerated in Illinois Department of Corrections facilities, respondent shall forward to claimant or, if claimant is represented, claimant's attorney, copies of the following documents in the possession or control of the Department of Corrections within 120 days after the filing of the complaint:

- 1) Grievances and appeals of grievances pertaining to the injuries in question filed by the claimant, and all responses thereto.
- 2) All medical records relevant to the subject of the claim.
- 3) Incident reports relevant to the subject of the claim.

The deadline for forwarding these documents to claimant is tolled during the consideration of a motion to dismiss or any other motion the granting of which would dispose of the case. No other discovery is permitted in these claims except by order of the Court, a Judge thereof, or a Commissioner.

d) When complying with the provisions of this Section, the respondent may redact any information including, but not limited to, confidential information such as social security numbers, home telephone numbers, home addresses, and information the disclosure of which would be violative of federal or State law. In the event any information is redacted by the respondent, the respondent shall, in writing, state the reason for the redaction, and forward the statement to the claimant or his attorney within the time allowed in this Section, or any extension authorized under subsection (f).

e) In the event that the claimant disputes the propriety of redaction of any information, the Court, a Judge thereof, or a Commissioner shall be empowered to examine the material in camera and to enter an order requiring the respondent to forward the redacted material to the claimant or his attorney.

f) The Court, a Judge thereof, or a Commissioner may extend the time for compliance with the provisions of this Section.

(Source: Added at 24 Ill. Reg. 8228, effective JUL 1 2000)

Section 790.60 Exhaustion of Remedies

As required by Section Sec 25 of the Court of Claims Act [705 ILCS 505/25] (iii-Rev-Stat-1999, ch. 377, par. 439-24-5), the claimant shall, before seeking final determination of his claim before the Court of Claims, exhaust all other remedies, whether administrative, legal or equitable, against all other sources of recovery for the injury or damages sought to be recovered by the claim, provided that no frivolous or unreasonable action is required to be brought against any third party in order to comply with this exhaustion of remedies requirement.

a) General continuance. Any complaint filed or pending in the Court of Claims shall be continued generally subject to the provisions of Section 790.70 of this Part Rule 7-74-iii-Adm-Code-Section-790-70, until the final disposition of all other claims or proceedings arising from the same occurrence or transaction. Claims continued generally shall not proceed to evidentiary hearing, but, upon order of the Court, a Judge thereof, or a Commissioner, discovery may proceed as permitted by Section 790.55 of this Part. (A general continuance granted by this Court is not to be construed as an opinion on the question of jurisdiction in any other court or tribunal.)

b) Subsequent action or claim. If the claimant shall, subsequent to the filing of a complaint in the Court of Claims, commence a proceeding in another tribunal, or present a claim to any other person or corporation (e.g., insurance carrier, governmental body, etc.) for damages arising out of the same occurrence or transaction, the claimant shall immediately advise the Court of Claims in writing as to when, where and to whom such claim was presented or proceeding commenced.

c) Action against State employees. Failure to file or pursue suits against State employees acting within the scope of their employment shall not be a defense to the respondent.

(Source: Amended at 24 Ill. Reg. 8228, effective JUL 1 2000)

Section 790.90 Dismissal

Failure to comply with the provisions of Section 790.50, 790.60, 790.70 or 790.80 of this Part rules-57-67-7-or-8-(74-iii-Adm-Code-Sections-790-50790-607-790-707-or-790-80) shall be grounds for dismissal.

(Source: Amended at 24 Ill. Reg. 8228, effective JUL 1 2000)

Section 790.100 Answer by Respondent

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The respondent shall answer within 60 days after the filing of the complaint, and the claimant may reply within 30 days after the filing of that ~~said~~ answer, unless the time for pleadings ~~is~~ be extended pursuant to Section 790.155(f); provided however, if the respondent fails ~~shall fail~~ to answer, a general denial of the facts set forth in the complaint shall be considered as filed, except as otherwise provided in this Section. Respondent, upon good cause shown, may thereafter, by leave of Court, be permitted to file affirmative pleadings. The Court, a Judge thereof, or a Commissioner may order the respondent to file an answer. Failure to file an answer shall subject the respondent to being held in default and debarred from filing any other pleading or maintaining any defense.

(Source: Amended at 24 Ill. Reg. 8228 effective
1/1/2000)

Section 790.110 Hearings -- Assignments and Continuances

The ~~After--issue-is-joined--the~~ Court shall assign the case to a Commissioner who, within a reasonable time, shall set the time and place for hearing, and notify opposing counsel in writing. ~~No After-2-continuances-have-been-granted in-any-case--no-further~~ continuances shall ~~will~~ be granted by the Commissioner except upon good cause shown, supported by affidavit.

(Source: Amended at 24 Ill. Reg. 8228 effective
1/1/2000)

Section 790.155 Subpoenas

a) The Court may issue subpoenas through the Chief Justice or one of its Judges or Commissioners to require attendance of witnesses for the purpose of testifying before it, any Judge of the Court, any notary public, or any of its Commissioners, and to require the production of any books, records, papers or documents that may be material or relevant as evidence in any matter pending before it. In case any person refuses to comply with any subpoenas issued in the name of the Chief Justice, or one of the Judges or Commissioners, attested to by the Clerk, with the seal of the Court attached, and served upon the person named in the subpoena, as a summons in a civil action is served, the circuit court of the proper county, on application of the party at whose instance the subpoena was issued, shall compel obedience by attachment proceedings, as for contempt, as in a case of disobedience of the requirements of a subpoena from the circuit court on a refusal to testify.

b) The Clerk of the Court of Claims, when an action is pending, shall, from time to time, issue subpoenas on behalf of the Chief Justice, the Judges or Commissioners, for those witnesses and to those counties in the States as may be required by the attorneys or either party.

c) Every subpoena shall:

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- 1) state that it is issued by the Court of Claims; and
- 2) state the title of the action and its civil action number; and
- 3) command each person to whom it is directed to attend and give testimony or to produce or permit inspection and copying of designated books, documents or tangible things in the possession, custody or control of that person. A command to produce evidence shall be joined with a command to appear at trial or hearing or at deposition.

d) The Clerk may issue subpoenas on behalf of a party requesting issuance provided that there is a valid request to the Clerk indicating the information to be subpoenaed. An attorney of record may also issue and sign a subpoena on a form provided by the Clerk.

e) Prior notice of any subpoena for production of documents and things before trial shall be served on each party by mailing or delivering written notice to the other parties to the action, or their attorneys, at the last known address of the attorney or party, with proof of service filed with the Clerk.

f) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to a subpoena. The Court shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, including being held in default, debarred from filing any other pleading or maintaining any claim or defense.

(Source: Added at 24 Ill. Reg. 8228 effective
1/1/2000)

Section 790.160 Excerpts from the Record

In all cases where the transcript of the evidence exceeds 100 pages, the Court, a Judge thereof, or a Commissioner may order that the claimant ~~shall~~ file 6 copies of excerpts from the record, which shall contain the parts of the record deemed essential for the Judges to read in order to decide the issues presented. The excerpts shall refer to the pages of the record by numerals on the margin. This document (entitled Excerpts from the Record), which is to be filed with claimant's brief, is in lieu of the abstract formerly required, and shall be prepared in conformity with Supreme Court Rule 342 to the extent that ~~Ill--Rev--Stat--1979--ch--110A--par--342--insofar--as--said~~ rule may be applicable.

(Source: Amended at 24 Ill. Reg. 8228 effective
1/1/2000)

Section 790.170 Briefs

The Court, a Judge thereof, or a Commissioner may order the filing of briefs in a case where the filing of briefs may enlighten the Court. If so ordered, each ~~Each~~ party shall file with the Clerk 6 copies of a typewritten or printed brief

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setting forth the points of law upon which reliance is had, with reference made to the authorities sustaining their contentions. Citation of numerous authorities in support of the same point is not favored. Accompanying the such briefs, there shall be a statement of the facts and an argument in support of the such briefs. Wherever facts from the record are restated, there shall be a reference to the pages of the record and not to the pages of the excerpts. The filing-of-briefs--argument-or-excerpts-may-be-waived-only-upon-good-cause-shown--at proof--of--service--BrieFs--and-all-other-documents-filed--except-the-complaint--shall-show-proof-of-service-on-counsel-for-the-other-party--b) Document-covers--All-documents-filed--except-routine-motions--shall-be provided-with-a-suitable-cover-bearing-the-title-of--the--court--the case-number--and-address--of--the--attorney-or-other-person-filing--Manuscript-backings-of-the-type-customarily-used-in-the-Circuit--Court are-acceptable-covers:

- c) Color-of-covers--The-court-recommends-that-the-colors-of-the-covers-of all--documents--filed-by-the-claimant-be-either-blue-or-gray--and-that the-covers-of-all-documents-filed-by-the-respondent-be-white--d) Duplicating-copies--Although-Rule-3-(74-III--Adm-Code-Section-790-30) permits-the-filing-of-carbon-copies-with-the-original-copy--the--court prefers--that--copies--of--the--original--document--be-duplicated-by-a copying-process-that-provides-a-clear-image--

(Source: Amended at 24 Ill. Reg. 8228-3, effective July 1, 2000)

Section 790.180 Excerpts Abetaxete and Briefs -- Time for Filing

The excerpts, if any abstract, brief and argument of the claimant must be filed with the Clerk on or before the date ordered by the Court, a Judge thereof, or a Commissioner 60-days-after-all-evidence-has-been-completed-and-filed-with-the Clerk--unless-the-time-for-filing-the-same-is-extended-by-the-Commissioner. The respondent shall file its excerpts, if any, brief and argument not later than the date ordered by the Court, a Judge thereof, or a Commissioner 60-days-after the-filing-of--the--brief--and--argument-of-the-claimant--unless-the-time-for the-filing-the-brief--of--the-claimant--has--been--extended--in--which-case--the respondent--shall--have--a--similar--extension-of-time-within-which-to-file-its brief. Claimant may file a reply brief no later than the date ordered by the Court, a Judge thereof, or a Commissioner within 30-days-of-the-filing-of-the brief-and-argument-of-the-respondent. Upon good cause shown, further time to file the abstract or briefs of either party may, upon notice to the other party, be granted by the Commissioner.

(Source: Amended at 24 Ill. Reg. 8228-3; effective July 1, 2000)

Section 790.200 Motions

- a) General. All motions and objections shall comply with Section 790.30

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of this Part.

- b) Motions. All motions shall be in writing. Six copies of all motions, and suggestions in support of the motion thereof, shall be filed with the Clerk of the Court, together with proof of service upon counsel for the other party. When the motion is based upon matter that does not appear of record, it shall be supported by an affidavit. A copy of the motion, suggestions in support of the motion thereof, and affidavit, if any, shall be served upon counsel for the opposing party at the time the motion is filed with the Clerk.

- c) Objections. Objections to motions, and suggestions in support of the objection thereof, must be in writing and filed within 21 to 25 days after of the filing of the original motion. Upon the filing, within 21 days after the filing of the motion, of a request for an extension of time supported by an affidavit that an objection will be filed within the extended time, the time shall be automatically extended for an additional 21 days. No other extensions will be allowed except in compelling circumstances. Six copies of all objections to motions shall be filed with the Clerk of the Court, together with proof of service upon counsel for the other party. When motions are filed by either the claimant or the respondent, the moving party shall also submit 3 copies of a proposed order.

- d) Rulings by Commissioners. After a cause has been assigned to a Commissioner, all motions during the course of the hearings, except motions to dismiss, or motions for summary judgment, or other dispositive motions, may be determined by the said Commissioner. Motions-before-Commissioners-must-be-in-writing-together-with-proof-of service-upon-counsel-for-the-other-party. The Commissioner shall cause to be filed with the Clerk of the Court any order so issued.

- e) Oral argument on motions. There shall be no oral argument on motions or objections to motions, except on motions to dismiss where, in the Court's discretion, oral arguments thereon would be of value to the Court.

(Source: Amended at 24 Ill. Reg. 8228-7 effective July 1, 2000)

Section 790.210 Oral Argument of Case

Either party desiring to make oral argument shall so indicate on the cover of his/her brief. Oral argument on a petition for rehearing will be permitted only when ordered by the Court on-its-own-motion.

(Source: Amended at 24 Ill. Reg. 8228-7 effective July 1, 2000)

Section 790.220 Rehearing or New Trial -- Time to File

- A party desiring a rehearing or new trial in any case shall, within 30 days

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after the filing of the opinion or order, file with the Clerk 6 copies of the his petition for rehearing. The petition shall state briefly the points supposed to have been overlooked or misapprehended by the Court, with authorities and suggestions concisely stated in support of the points. A copy of the petition shall be served on counsel for the other party and proof of such service shall be shown in the petition. Any petition violating this Section ~~rule~~ will be stricken.

(Source: Amended 7000 at 24 Ill. Reg. 8228-3, effective 1/1/2004)

Section 790.240 New Trial (Repealed)

~~Within 30 days after the Court has rendered an opinion in a case, the Court may, for good cause shown, grant a new trial.~~

(Source: Repealed at 24 Ill. Reg. 8228-3, effective 1/1/2004)

Section 790.270 Fees and Costs

- a) In claims based upon lapsed appropriations or lost warrant no filing fee shall be required. In all other claims the following fees shall apply:

Filing of complaint in which amount of claim is more than \$50.00 and less than \$1,000.00.....\$15.00-00

Filing of complaint in which amount of claim is \$1,000.00 or more.....\$35.25-00

- b) Filing fees may be waived for a poor person, other than an incarcerated person, pursuant to Supreme Court Rule 298 ~~that~~ Rev-Stat-1999, ch. 110A, par. 298, upon application provided and approved by the Court of Claims.

- c) A claimant who is incarcerated in a facility of the Illinois Department of Corrections who does not have sufficient funds to pay the filing fee at the outset of the case shall be required to complete and sign under oath a petition to proceed without full prepayment of fees and costs and a financial affidavit. All petitions for leave to proceed without prepayment of fees and costs must be accompanied by a copy of the inmate's trust fund ledger showing all deposits and withdrawals made to the account for the 6 months immediately preceding the submission of the petition. The respondent Illinois Department of Corrections shall fill in the amount of the trust fund and provide claimant with a copy of a 6 months ledger of all withdrawals and deposits to the inmate's trust fund. The claimant shall send one

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petition and trust fund ledger with each claim. Upon receipt of an inmate's claim, the petition for leave to proceed in forma pauperis, and a copy of the trust fund ledger, the Clerk shall assign a number to the claim and shall forward the documents to the Chief Justice for review. If the petition reveals that the inmate is unable to prepay the full filing fee, the Chief Justice shall enter an initial prepayment order. The claimant will be required to prepay an initial partial filing fee of 20% of the greater of:

- 1) the average monthly deposits to the inmate's account; or
- 2) the average monthly balance in the inmate's account for the prior 6 months period.

Irrespective of the amount of the initial filing fee, the claimant must make monthly payments of 20% of his or her income until the statutory filing fee is paid in its entirety. If prepayment of the initial filing fee is made within 45 days from the date of the Court's order on the petition, the inmate will be granted leave to proceed in forma pauperis and the claim will be filed. Thereafter, the respondent Illinois Department of Corrections shall forward payments from the inmate's account to the Clerk each time the amount in claimant's account exceeds \$10, until the filing fee is paid. If partial payment of the filing fee is not made within 45 days after the date of the Court's prepayment order, or if in that time period the claimant has not shown cause why the partial fee cannot be paid, the petition shall be denied and the claim shall be dismissed. If the claimant shows good cause why the initial partial fee cannot be paid, the Chief Justice shall review the claim and rule upon the petition. Regardless of whether the initial partial filing fee is waived, the claimant is responsible for paying the full filing fee in monthly installments. A claimant may request a waiver of any of the provisions of this Section by filing a motion with the Clerk stating in brief what requirements the claimant wants waived and why. The Court will consider each motion individually; however, motions to waive these requirements will not be routinely allowed. In the absence of the Chief Justice, any Judge may enter the orders authorized by this Section. In no case may a claim be dismissed without the concurrence of 4 Judges.

- d) Certified copies of documents filed in the Court of Claims may be obtained upon application to the Secretary of State and payment of the prescribed costs ~~therefor~~.

(Source: Amended at 24 Ill. Reg. 8228-3, effective 1/1/2004)

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- 1) Heading of the Part: Operating Procedures for the Administration of Non-Federal Grant Funds

- 2) Code Citation: 20 Ill. Adm. Code 1560

- 3) Section Numbers:
 1560.10 Adopted Action:
 1560.20 Amendment
 1560.31 New Section
 1560.40 Amendment
 1560.50 Amendment

- 4) Statutory Authority: Implementing and authorized by the Illinois Criminal Justice Information Act [20 ILCS 3930].

- 5) Effective Date of Amendments: May 30, 2000

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: January 21, 2000; 24 Ill. Reg. 947

- 10) Has JCAR issued a Statement of Objection to these amendments? No

- 11) Differences between proposal and final version:

- a) In Section 1560.10, corrections to statutory citation were made.
- b) In Section 1560.31, in subsection (d)(1), by inserting "and costs" after "projects".
- c) In Section 1560.31, in subsection (d)(2), by changing "as eligibility, reporting and fiscal" to "hospital eligibility requirements and fiscal, progress and closeout reporting".
- d) In Section 1560.31, in subsection (d), by adding: "4) descriptive information that applicants will be required to provide regarding the proposed SANE pilot project, including a description of the applicant hospital and the programs and services it currently provides to victims of sexual assault; a summary of the proposed project; a statement of the need for, and the goals and objectives of, the project; the strategy the applicant will undertake to meet the goals

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and objectives of the project, which should include the training of project staff through an approved SANE training program; an implementation schedule for the project that includes activities to be undertaken to accomplish each objective, the person responsible for each activity and the expected completion date for each activity; and a project budget that explains how budgeted items are related and necessary to the project and how costs were calculated;".

- e) In Section 1560.31, subsection (d), changed "4)" through "8)" to "5)" through "9)".
- f) In Section 1560.31, subsection (d), relabeled subsections i) through x) to A) through J).
- g) In Section 1560.31, subsection (d)(6), by adding "method and" before "deadline".
- h) In Section 1560.31, subsection (d)(8), by adding "in accordance with the program authorizing legislation [20 ILCS 3930/7.1.1]" after "program".
- i) In Section 1560.31, subsection (e), by changing "such" to "those".
- j) In Section 1560.40, subsection (c), by striking "such" and adding "the" twice.
- k) In Section 1560.40, subsection (c), by striking "Such an" and adding "An".
- l) In Section 1560.40, subsection (c), by striking "Such termination" and adding "Termination".
- m) In Section 1560.40, subsections (d) and (e), by striking "such".
- n) In Section 1560.50, subsection (g), by striking "Such meetings" and adding "Meetings".
- Also, typographical and grammatical changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace emergency amendments currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Delineates operating procedures for the administration of general revenue funds to implement the Sexual Assault

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Nurse Examiner (SANE) pilot program, including SANE pilot projects geographically distributed throughout Illinois. For each SANE pilot project, specially trained sexual assault nurse examiners or specially trained sexual assault physician examiners will provide health assessments, collect forensic evidence from sexual assault victims in the emergency room, and testify to victims' injuries during criminal prosecutions of sex offenses.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Kristi J. Kangas, Legal Advisor
Illinois Criminal Justice Information Authority
120 S. Riverside Plaza
Chicago, IL 60606-3997
(312) 793-8550 (Voice)
(312) 793-4170 (TDD)

The full text of the adopted amendments begins on the next page:

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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER III: ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

PART 1560

OPERATING PROCEDURES FOR THE ADMINISTRATION OF NON-FEDERAL GRANT FUNDS

Section	Purpose and Authorization
1560.10	Definitions
1560.20	Application and Receipt of Non-Federal Grant Funds
1560.30	Application and Receipt of Sexual Assault Nurse Examiner (SANE)
1560.31	General Revenue Funds
1560.40	Administration of Non-Federal Grant Funds
1560.50	Appeals

AUTHORITY: Implementing and authorized by the Illinois Criminal Justice Information Act [20 ILCS 3930].

SOURCE: Adopted at 15 Ill. Reg. 7034, effective April 25, 1991; emergency amendment at 24 Ill. Reg. 1282, effective January 7, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 8243, effective May 31, 2000.

Section 1560.10 Purpose and Authorization

The Illinois Criminal Justice Information Authority (Authority) establishes this Part to exercise its responsibility to apply for, receive, establish priorities for, allocate, disburse and spend grant funds that are made available by private sources. [20 ILCS 3930/7(k)] ~~(((Rev-Stat-1989,--ch-30,--par-210-7(k)), to receive, expend and account for such funds of the State of Illinois as may be made available to further the purposes of the this Act-- [20 ILCS 3930/7(l)] (((Rev-Stat-1989,--ch-30,--par-210-7(t)), to enter into contracts and to cooperate with units of general local government or combinations of such units, State state agencies, and criminal justice system agencies of other states for the purpose of carrying out the duties of the Authority authority imposed by the this Act-- [20 ILCS 3930/7(m)] (((Rev-Stat-1989,--ch-30,--par-210-7(m)), to enter into contracts and cooperate with units or general local government outside of Illinois, other states' agencies, and private organizations outside of Illinois to provide computer software or design that has been developed for the Illinois Criminal Justice System, or to participate in the cooperative development or design of new software or systems to be used by the Illinois Criminal Justice System-- [20 ILCS 3930/7(n)] (((Rev-Stat-1989,--ch-30,--par-210-7--(n)) and to establish general policies concerning criminal justice information systems and to promulgate such rules, regulations and procedures as are necessary to the operation of the Authority-- [20 ILCS 3930/7(o)] and-- shall, subject to appropriation, establish a sexual assault nurse examiner (SANE) pilot program [20 ILCS 3930/7.1(c)]. (((Rev-Stat-1989,--ch-30,--par-210-7--(o)))~~

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(Source: Amended at 24 Ill. Reg. 8243, effective
MAY 30 2000)

Section 1560.20 Definitions

"Adverse Action" - The term "adverse action" means any or all of the following with respect to non-federal grant funds administered by the Authority:

The suspension by the Executive Director of the performance of an interagency agreement for more than ~~twenty-eight--(28)~~ days aggregated within a twelve month period, exclusive of any period of extension that may be granted under Section 1560.40.

The termination of an interagency agreement by the Executive Director.

The denial by the Executive Director of a request for a material revision to an interagency agreement.

"Budget Committee" - The term "Budget Committee" means the Budget Committee of the Authority as empowered by the Organizational Rules of the Illinois Criminal Justice Information Authority (2 Ill. Adm. Code 1750.340).

"Executive Director" - The term "Executive Director" means the Executive Director of the Authority (see 20 ILCS 3930/6 ~~(---Rev-Stat--1989--ch--38--par--210-6 and 2 Ill. Adm. Code 1750.350)~~).

"Grantor" - The term "grantor" means any entity that provides the non-federal grant funds to the Authority.

"Interagency Agreement" - The term "interagency agreement" means a contract between the Authority and a State ~~state~~ agency, unit of local government, or other public or a private organization whereby the Authority provides non-federal grant funds to carry out specified programs, services or activities.

"Implementing Agency" - The term "implementing agency" means any party, including the Authority, designated to receive funds administered by the Authority pursuant to this Part ~~these rules~~.

(Source: ~~Amended~~ at 24 Ill. Reg. 8243, effective
MAY 30 2000)

Section 1560.31 Application and Receipt of Sexual Assault Nurse Examiner (SANE) General Revenue Funds

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- a) The Illinois General Assembly intends to create a sexual assault nurse examiner (SANE) pilot program to establish SANE projects geographically distributed throughout Illinois. Subject to an appropriation of general revenue funds ("SANE funds") from the Illinois General Assembly, the Illinois Criminal Justice Information Authority ("Authority") will implement the SANE pilot program, including SANE pilot projects in hospital emergency rooms geographically distributed throughout Illinois. For each SANE pilot project, specially trained sexual assault nurse examiners or specially trained sexual assault physician examiners will provide health assessments, collect forensic evidence from sexual assault victims in the emergency room, and testify to victims' injuries during criminal prosecutions of sex offenses.
- b) The Authority shall review the funding purposes of the SANE pilot program set forth by authorizing legislation [20 ILCS 3930/7.1] and invite eligible hospitals to submit proposals to implement the SANE pilot program through a request for proposal (RFP) process. Based on the authorizing legislation and the proposals received in response to the Authority's RFP, the Authority shall select proposals for SANE funding at a public meeting in conformance with the Open Meetings Act [5 ILCS 120] and the Authority's rules (2 Ill. Adm. Code 1750.310 et seq.).
- c) The Executive Director of the Authority shall develop an RFP based on the following criteria:
- 1) the SANE pilot program authorizing legislation [20 ILCS 3930/7.1];
 - 2) requirements imposed on the Authority and potential recipient implementing agencies by applicable law, regulations and guidelines;
 - 3) the nature and complexity of the SANE pilot program;
 - 4) the types of hospitals eligible to receive SANE funds; and
 - 5) current research findings, and demographic, medical, social science, criminal justice and statistical data that is relevant to SANE program purposes.
- d) RFPs developed pursuant to the criteria described in subsection (c) above shall include:
- 1) the purposes, goals and objectives of the SANE pilot program, and the types of SANE pilot projects and costs that will be considered for funding;
 - 2) requirements that implementing agencies receiving SANE funds must meet, and adhere to, such as hospital eligibility requirements and fiscal, progress and closeout reporting requirements;
 - 3) the State of Illinois Drug-Free Workplace certification and State bribery and bid-rigging certifications;
 - 4) descriptive information that applicants will be required to provide regarding the proposed SANE pilot project, including a description of the applicant hospital and the programs and

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services it currently provides to victims of sexual assault; a summary of the proposed project; a statement of the need for, and the goals and objectives of, the project; the strategy the applicant will undertake to meet the goals and objectives of the project, which should include the training of project staff through an approved SANE training program; an implementation schedule for the project that includes activities to be undertaken to accomplish each objective, the person responsible for each activity and the expected completion date for each activity; and a project budget that explains how budgeted items are related and necessary to the project and how costs were calculated;

5) the criteria by which the Executive Director of the Authority will review and recommend proposals for funding; such criteria shall be given an associated weight and shall include:

- A) the adequacy with which the proposed SANE pilot project reflects the purposes, goals and objectives of the SANE pilot program;
- B) whether the applicant is an eligible hospital as defined by SANE pilot program requirements;
- C) the adequacy with which the applicant describes and supports the need for the SANE pilot project within the applicant's hospital emergency room;
- D) the qualifications of key personnel that will perform SANE pilot project activities;
- E) the technical merit of the proposed SANE pilot project design, as reflected in the proposal received by the Authority; this criteria includes an assessment of the sufficiency of the proposed project in addressing the purposes, goals and objectives of the SANE pilot program; an assessment of the methods by which the proposed project will implement and adhere to SANE programmatic and training requirements and standards; and an assessment of how the applicant will administer the project, both fiscally and programmaticallly, to achieve the purposes, goals, objectives, and project duration requirements of the SANE pilot program;
- F) the applicant's capability to carry out the goals and objectives of the SANE pilot program in the manner reflected in the proposal received by the Authority;
- G) the adequacy of the proposed project budget, which includes an assessment of the reasonableness and allowability of the costs that were estimated and included in the budget;
- H) the applicant's ability and commitment to providing victim centered services to victims of sexual assault and collaboration with other organizations and agencies to improve the response to sexual assault victims;
- I) the ability of the applicant to sustain the SANE pilot

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'project if State or federal funding is not available; and
J) any additional criteria that would further SANE program purposes;

- 6) the method and deadline by which, and location where, proposals must be received by the Authority;
 - 7) the total amount of SANE funding available for distribution through the RFP process, and the maximum amount of SANE funding that eligible implementing agencies may apply for through the submission of an RFP;
 - 8) the required project duration requirements of the SANE pilot program in accordance with the program authorizing legislation [20 ILCS 3930/7.1]; and
 - 9) any other information that would further SANE program purposes.
- Based upon SANE pilot program authorizing legislation and the above proposal review criteria, the Executive Director shall identify those applicants with the best proposals that are geographically distributed throughout the State, and recommend those applicants for SANE funding approved by the Budget Committee.
- e) The Budget Committee shall, at a public meeting, designate implementing agencies and amounts for SANE pilot projects that are geographically distributed throughout the State. The Budget Committee's decision to designate SANE pilot projects, implementing agencies, and fund amounts shall be based upon the recommendations of the Executive Director and the criteria set forth in the AFP, as described in subsection (d) above; Budget Committee designations shall be made at a public meeting conducted in conformance with the Open Meetings Act.
 - f) The Executive Director shall enter into interagency agreements with those implementing agencies designated by the Budget Committee, specifying the terms and conditions under which the SANE pilot projects are to be conducted and SANE funds are to be received. The terms and conditions shall include but not be limited to reporting requirements that reflect fiscal expenditures and progress in meeting SANE pilot program objectives, compliance with applicable laws and regulations, the prohibition of subcontracting or assignment of agreements without prior written approval of the Authority, and the status of the implementing agency as an independent contractor. No later than two years after the SANE pilot projects are established, the Authority shall report to the Illinois General Assembly on the efficacy of the SANE pilot program.

(Source: Added at 24 Ill. Reg. 8243, effective MAY 31 2000)

Section 1560.40 Administration of Non-Federal Grant Funds

- a) All implementing agencies shall operate in conformance with the following State laws, when applicable, hereby incorporated by

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reference: the Illinois Grant Funds Recovery Act [30 ILCS 705] (111-Rev--Stat--1989--ch--127--par--2381--et--seq--7); the Illinois Procurement Code Purchasing Act [30 ILCS 500] (111-Rev--Stat--1989--ch--127--par--132--et--seq--7); and the State Comptroller Act [15 ILCS 405] (111-Rev--Stat--1989--ch--15--par--201--et--seq--7). The laws and rules incorporated by reference in this subsection do not include any subsequent amendments or editions. The Authority shall maintain a copy of said incorporated materials and shall make them available for public inspection or copying upon request at no more than cost.

- b) Notwithstanding subsection (c) below, the Executive Director shall suspend performance of any interagency agreement for a period not to exceed 28 days where there has been a determination of nonconformance with any federal or State law or rule, such laws specified in subsection (a) above, or the terms or conditions of the agreement. The Executive Director shall reinstate performance of an agreement that has been so suspended if the nonconformance is corrected within twenty-eight--4 28+ days from the date of suspension. However, notwithstanding subsection (c) below, an interagency agreement, for which performance has been suspended, shall be terminated by the Executive Director if performance of the interagency agreement is not reinstated within twenty-eight--4 28+ days from its suspension. Written notice of all such actions by the Executive Director shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within five--4 5+ working days.

- c) Upon the request of an implementing agency, the Executive Director shall extend the length of time performance of an interagency agreement may be suspended beyond twenty-eight--4 28+ days for an additional period not to exceed fourteen--4 14+ days, if the nonconformance for which the performance of the agreement was suspended can be corrected within the such extension period and the such correction would result in fulfillment of the terms of the agreement. An such--an extension shall be granted by the Executive Director only with the consent of the Chairman of the Budget Committee or in the event the Chairman of the Budget Committee is unavailable for consultation, the Chairman of the Authority. Since an extension granted by the Executive Director pursuant to this subsection is initiated by the implementing agency, it shall not be deemed an adverse action under this Part these--rules. However, an interagency agreement, for which the period of suspended performance has been extended pursuant to this subsection, shall be terminated by the Executive Director if performance of the interagency agreement has not been reinstated by the Executive Director before the extension period has expired. Termination such--termination may then be appealed as provided by Section 1560.60. Written notice of all such action by the Executive Director shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within 4 5+ working days.

- d) The Executive Director shall immediately terminate any interagency

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agreement for any reason of nonconformance specified in subsection (b) above, if performance of the agreement has been suspended on at least one prior occasion or if such nonconformance cannot be corrected by the implementing agency in less than twenty-eight--4 28+ days from the date of termination. Written notice of such termination by the Executive Director shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within five--4 5+ working days.

- e) The Executive Director shall approve any revision to an interagency agreement if such action is necessary to fulfill the terms of the agreement. Material revisions shall be reported to the Budget Committee members at or before the next Budget Committee meeting. However, if a request by an implementing agency for a material revision to an interagency agreement is denied by the Executive Director, written notice of such denial shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within five--4 5+ working days.

(Source: Amended at 24 Ill. Reg. 8243--3, effective 3/4/90)

Section 1560.50 Appeals

- a) The appeals procedures for this Part are subject to provisions of Article 10 Sections 10--through--15 of the Illinois Administrative Procedure Act [5 ILCS 100/Art.10] (111-Rev--Stat--1989--ch--127--par--1810--1815+).
- b) An implementing agency may appeal any adverse action of the Executive Director by writing to the Budget Committee within fourteen--4 14+ days from the day the notice of adverse action is mailed to the implementing agency. This written appeal shall contain specific reasons stating why the adverse action taken by the Executive Director should be modified and the action requested of the Budget Committee and shall be signed by the implementing agency's authorized official. If no timely appeal is taken from an adverse action, such action of the Executive Director will be deemed the final action of the Budget Committee, and Authority members shall be notified within five--4 5+ business days or before the next Authority meeting, whichever is sooner -- by phone, mail or written equivalent -- of the action of the Executive Director.
- d) When an appeal is timely filed, the Chairman of the Budget Committee shall arrange for the Committee to hear and decide the appeal within forty-nine--4 49+ days of the receipt of the written appeal. The implementing agency shall have the right to appear before the Committee and to be represented at the hearing by counsel and shall be notified of the hearing date at least seven--4 7+ days prior to the hearing.
- e) At the hearing, the Budget Committee shall consider the written appeal

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

to the adverse action submitted pursuant to subsection (b), any written response to that appeal by Authority staff, and any testimony given by the implementing agency or Authority staff to questions posed by Committee members.

f) The Budget Committee shall render a decision on the appeal before adjourning the hearing.

g) In accordance with the Organizational Rules of the Illinois Criminal Justice Information Authority (2 Ill. Adm. Code 1750.340), Authority members shall be notified within ~~five~~ 5 business days or before the next Authority meeting whichever is sooner -- by phone, mail or written equivalent -- of all appeal decisions made by the Budget Committee. Within ~~ten~~ 10 business days after receipt of such information, a special meeting of the Authority shall be convened upon signed request of ~~five~~ 5 Authority members, for the purpose of fully discussing such action taken by the Budget Committee and to supersede the authorization granted to that Committee to act upon the Authority's behalf in any particular appeal. If no action is taken by the Authority, the decision of the Budget Committee shall be deemed the final action of the Authority. Meetings ~~Such meetings~~ shall be conducted in conformance with the Open Meetings Act [5 ILCS 120] ~~and~~ Rev--Stat--1989--ch--102--par--41--et--seq-- and the Authority's rules (2 Ill. Adm. Code 1750.310 et seq.).

(Source: Amended at 24 Ill. Reg. 8243 - 3, effective MAY 30 2000)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

1) Heading of the Part: Admitted Assets

2) Code Citation: 50 Ill. Adm. Code 945

3) Section Number: Adopted Action:
945.10 New Section
945.20 New Section
945.30 New Section
945.40 New Section
945.50 New Section

4) Statutory Authority: Implementing and authorized by Sections 136 and 401 of the Illinois Insurance Code [215 ILCS 5/136 and 401] and Section 1-3 and 2-7 of the Health Maintenance Organization Act [215 ILCS 125/1-3 and 2-7].

5) Effective Date of Rules: May 30, 2000

6) Does this rule contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: February 14, 2000, 24 Ill. Reg. 2052

10) Has JCAR issued a Statement of Objection to this rule? No

11) Differences between proposal and final version:

a) In "Source Note", changed "amended" to "adopted".

b) In Section 945.20, deleted the last sentence, which starts with "For any reporting" and ends with "effective January 1, 2001".

c) In Section 945.40, first sentence, changed "Assets" to "assets".

d) In Section 945.40(b), removed the comma after "and" in the phrase "any official Branch office at statement date, and in transit to such bank".

e) In Section 945.40(x), removed the comma after "under" in the phrase "outstanding for more than 3 months, and arising under management contracts".

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

- f) In Section 945.50(b), removed the comma after "and" in the phrase "any official Branch office at statement date, and in transit to such bank".

- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

- 13) Will this rule replace an emergency rule currently in effect? Yes

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of rulemaking: This Part is being adopted as a result of the adoption of P.A. 91-0549, which was an omnibus bill for the Department that was a compilation of several other bills. In the process of creating an omnibus bill, the effective dates of the individual bills were all changed to be effective upon becoming law, which has created uncertainty as to the application of its various provisions. The original bill that amended the definition of admitted assets contained an effective date of January 1, 2001, the date all parties intended the change to occur. The original bill maintained the current definition through December 31, 2000. Any change in the definition of admitted assets caused by the confusion over the effective date could affect several regulatory aspects concerning the Department, especially the Department's ability to conduct financial audits or the regulated industry to insure financial stability of the regulated industry.

- 16) Information and questions regarding this adopted Part shall be directed to:

Chuck Feinen, Staff Attorney
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 782-2867

The full text of the adopted rules begins on the next page.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

TITLE 50: INSURANCE

CHAPTER 1: DEPARTMENT OF INSURANCE

SUBCHAPTER 1: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 945

ADMITTED ASSETS

Section

945.10 Purpose

945.20 Applicability

945.30 Definitions

945.40 Definition of Admitted Assets for Insurance Companies

945.50 Definition of Admitted Assets for Health Maintenance Organization

AUTHORITY: Implementing Section 136 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/136 and 401] and implementing Section 2-7 of the Health Maintenance Organization Act [215 ILCS 125/2-7] (see P.A. 91-549, effective August 14, 1999).

SOURCE: Emergency rules adopted at 24 Ill. Reg. 2480, effective January 28, 2000, for a maximum of 150 days; adopted at 24 Ill. Reg. 8254, effective MAY 31, 2000.

Section 945.10 Purpose

This Part sets forth clarification of the definition of "admitted assets" as defined by Section 3.1 of the Illinois Insurance Code [215 ILCS 5/3.1] and Section 1-3 of the Health Maintenance Organization Act [215 ILCS 125/1-3] (see P.A. 91-549, effective August 14, 1999).

Section 945.20 Applicability

This Part applies to any company as defined by Section 2 of the Illinois Insurance Code [215 ILCS 5/2] or any Health Maintenance Organization defined by Section 1-2 of the Health Maintenance Organization Act [215 ILCS 125/2-1] or any person, company or organization required to file an annual statement pursuant to Section 136 of the Illinois Insurance Code [215 ILCS 5/136] or Section 2-7 of the Health Maintenance Organization Act [215 ILCS 125/2-7] for financial statements filed with the Department covering any period of time ending on, or before December 31, 2000.

Section 945.30 Definitions

Except as stated and unless a different meaning of a term is clear from its context, the definitions of terms used in this Part shall be the same as those used in the Illinois Insurance Code or in any Acts in Chapter 215 of the Illinois Compiled Statutes.

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Act means the Health Maintenance Organization Act [215 ILCS 125].

Code means the Illinois Insurance Code [215 ILCS 5].

Section 945.40 Definition of Admitted Assets for Insurance Companies

Admitted assets includes the investments authorized or permitted by the Code, exclusive of Section 136 of the Code [215 ILCS 5/136], the credit for reinsurance allowed by the Code, and the following:

- a) Petty cash and other cash funds in the company's principal or any official branch office and under the control of the company.
- b) Immediately withdrawable funds on deposit in demand accounts, in a bank or trust company as defined in Section 126.2MM(1) of the Code [215 ILCS 5/126.2MM(1)] or like funds actually in the principal or any official branch office at statement date, and in transit to such bank or trust company with authentic deposit credit given prior to the close of business on the fifth bank working day following the statement date.
- c) The amount fairly estimated as recoverable on cash deposited in a closed bank or trust company, if qualifying under the provisions of this Section prior to the suspension of such bank or trust company.
- d) Bills and accounts receivable collateralized by securities of the kind in which the company is authorized to invest.
- e) Bills receivable not past due covering uncollected premiums taken by a company in the transaction of business described in Section 4, Class 3 of the Code [215 ILCS 5/4], in an amount not to exceed the unearned premium reserve liability calculated on each respective policy.
- f) For in force insurance coverages written by fire, casualty, and reciprocal companies, excluding group accident and health business, premium deposits, gross premiums, and agents' balances (net of related commissions) not more than 90 days past due; installments booked but deferred and not yet due (net of related commissions), provided that all amounts having become due from the insured are not more than 90 days past due; and audit and retrospective premium to the extent permitted to be admitted pursuant to the Annual Statement Instructions and the Accounting Practices and Procedures Manual for Property and Casualty Insurers published by the National Association of Insurance Commissioners, unless the Director prescribes otherwise. However, audit and retrospective premiums that represent anticipated additional premiums on policies for which the policy period has not yet expired may not be admitted.
- g) Net amount of uncollected premiums on group life and group accident and health policies, not more than 90 days past due.
- h) Due and uncollected accident and health premiums on in force individual policies, on insurance written by companies pursuant to Section 4, Class 1 of the Code [215 ILCS 5/4], less commissions due thereon to agents; not exceeding in the aggregate the premium reserve liability computed on such business.

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- i) Premium notes, policy loans and liens, and the net amount of uncollected and deferred premiums on individual life insurance policies, not in excess of the liability for the legal reserves specified in Section 223 or Section 281 of the Code [215 ILCS 5/223 or 281] on such individual life insurance policies.
- j) Premium and assessment notes, certificate loans and liens, and the gross amount less loading, of premiums or assessments actually collected by subordinate lodges not yet turned over to the Supreme Lodge on individual life insurance certificates not in excess of the liability for the legal reserves specified in Section 297.1 or Section 305.1 of the Code [215 ILCS 5/297.1 or 305.1] on such individual life insurance certificates.
- k) Mortuary assessments due and unpaid on last call made within 60 days, on insurance in force and for which notices have been issued, not in excess of the liability for the unpaid claims which are to be paid by the proceeds.
- l) Amounts fairly estimated as recoverable from advances made on contracts under surety bonds.
- m) Amounts receivable from insurance companies authorized to do business in this State and from associations or bureaus owned or controlled by 5 or more separate and nonaffiliated, by ownership or management, insurance companies of which a majority thereof are authorized to transact business in this State. The amount of those receivables allowed as admitted assets may not exceed the lesser of 5% of the company's total admitted assets or 10% of the company's surplus as regards policyholders. Amounts receivable from insurance companies or associations or bureaus not meeting the preceding standards of this Part if collateralized in the manner prescribed by Section 173.1 of the Code [215 ILCS 5/173.1].
- n) Tax refunds due from the United States or any state, the Government of Canada or any province, or the Commonwealth of Puerto Rico or amounts due to a subsidiary from a parent under a tax allocation agreement that conforms with rules adopted by the Director.
- o) The interest accrued on mortgage loans conforming to the Code, not exceeding an aggregate amount on an individual loan of one year's total due and accrued interest.
- p) The rents accrued and owing to the company on real and personal property, directly or beneficially owned, not exceeding on each individual property the amount of one year's total due and accrued rent.
- q) Interest or rents accrued on conditional sales agreements, security interests, chattel mortgages and real or personal property under lease to other corporations, all conforming to the Code, and not exceeding on any individual investment, the amount of one year's total due and accrued interest or rent.
- r) The fixed and required interest due and accrued on bonds and other like evidences of indebtedness, conforming to the Code, and not in default.

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- s) Dividends receivable on shares of stock conforming to the Code; provided that the market price taken for valuation purposes does not include the value of the dividend.
- t) The interest or dividends due and payable, but not credited, on deposits in banks and trust companies or on accounts with savings and loan associations.
- u) Interest accrued on secured loans conforming to the Code, not exceeding the amount of one year's interest on any loan.
- v) Interest accrued on tax anticipation warrants.
- w) The value of electronic computer or data processing machines or systems purchased for use in connection with the business of the company, if such machines or systems whenever purchased have an aggregate original cost to the company of at least \$75,000. The amortized value of such machines or systems at the end of any calendar year shall not be greater than the original purchase price less 10% for each completed year, or pro rata portion for any fraction thereof, after such purchase, with the total admissible value at any statement date to be limited to an amount not exceeding 2% of the company's admitted assets at such statement date.
- x) Amounts, other than premium, receivable from affiliates, not outstanding for more than 3 months, and arising under management contracts or service agreements which meet the requirements of Section 141.1 of the Code [215 ILCS 5/141.1] to the extent that the affiliate has liquid assets sufficient to pay the balance. The amount of those receivables included in admitted assets may not exceed the lesser of 5% of the company's admitted assets or 10% of the company's surplus as regards policyholders. For purposes of this subsection (x), "affiliate" has the meaning given that term in Section 131.1 of the Code [215 ILCS 5/131.1].
- y) Property and liability guaranty fund or guaranty association assessments paid in any state, but only to the extent it is probable the company will be able to offset those assessments against present or future premium taxes or income taxes payable in the state in which the assessments were paid. The amount of those assessments allowed as admitted assets may not exceed the lesser of 5% of the company's total admitted assets or 10% of the company's surplus as regards policyholders. The Director may disallow any such assessment as an admitted asset to the extent he determines a company is unlikely to realize a present or future premium tax or income tax offset as a result of the assessment.

Section 945.50 Definition of Admitted Assets for Health Maintenance Organization

Admitted Assets includes the investments authorized or permitted by Section 3-1 of the Act [215 ILCS 125/3-1], exclusive of Section 2-7 of the Act [215 ILCS 125/2-7], and the following:

- a) Petty cash and other cash funds in the organization's principal or any

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- b) official branch office and under the control of the organization. Immediately withdrawable funds on deposit in demand accounts, in a bank or trust company as defined in Section 3-1(g)(3) of the Act [215 ILCS 125/3-1(g)(3)] or like funds actually in the principal or any official branch office at statement date, and in transit to such bank or trust company with authentic deposit credit given prior to the close of business on the fifth bank working day following the statement date.
- c) The amount fairly estimated as recoverable on cash deposited in a closed bank or trust company, if qualifying under the provisions of this Section prior to the suspension of such bank or trust company.
- d) Bills and accounts receivable collateralized by securities of the kind in which the organization is authorized to invest.
- e) Premiums receivable from groups or individuals which are not more than 60 days past due. Premiums receivable from the United States, any state thereof or any political subdivision of either which is not more than 90 days past due.
- f) Amounts due under insurance policies or reinsurance arrangements from insurance companies authorized to do business in this State.
- g) Tax refunds due from the United States, any state or any political subdivision thereof.
- h) The interest accrued on mortgage loans conforming to Section 3-1 of the Act, not exceeding in aggregate amount on an individual loan of one year's total due and accrued interest.
- i) The rents accrued and owing to the organization on real and personal property, directly or beneficially owned, not exceeding on each individual property the amount of one year's total due and accrued rent.
- j) Interest or rents accrued on conditional sales agreements, security interests, chattel mortgages and real or personal property under lease to other corporations, all conforming to Section 3-1 of the Act, and not exceeding on any individual investment, the amount of one year's total due and accrued interest or rent.
- k) The fixed and required interest due and accrued on bonds and other like evidences of indebtedness, conforming to Section 3-1 of the Act, and not in default.
- l) Dividends receivable on shares of stock conforming to Section 3-1 of the Act; provided that the market price taken for valuation purposes does not include the value of the dividend.
- m) The interest or dividends due and payable, but not credited, on deposits in banks and trust companies or on accounts with savings and loan associations.
- n) Interest accrued on secured loans conforming to the Act, not exceeding the amount of one year's interest on any loan.
- o) Interest accrued on tax anticipation warrants.
- p) The amortized value of electronic computer or data processing machines or systems purchased for use in connection with the business of the organization, including software purchased and developed specifically

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for the organization's use and purposes.

- q) The cost of furniture, equipment and medical equipment, less accumulated depreciation thereon, and medical and pharmaceutical supplies that are used in the delivery of health care and under the control of the organization, provided such assets do not exceed 30% of admitted assets.
- r) Amounts due from affiliates pursuant to management contracts or service agreements which meet the requirements of Section 141.1 of the Code [215 ILCS 5/141.1] to the extent that the affiliate has liquid assets with which to pay the balance and maintain its accounts on a current basis; provided that the aggregate amount due from affiliates may not exceed the lesser of 10% of the organization's admitted assets or 25% of the organization's net worth as defined in Section 3-1 of the Act. Any amount outstanding more than 3 months shall be deemed not current. For purpose of this subsection (r), "affiliates" are as defined in Section 131.1 of the Code [215 ILCS 5/131.1].
- s) Intangible assets, including, but not limited to, organization goodwill and purchased goodwill, to the extent reported in the most recent annual or quarterly financial statement filed with the Director preceding July 20, 1987. However, such assets shall be amortized, by the straight-line method, to a value of zero no later than December 31, 1990; provided, however, that no organization shall be required pursuant to the foregoing provision to amortize such assets in an amount greater than \$300,000 in any one year, and in cases where amortization of such assets by December 31, 1990 would otherwise require amortization of an annual amount in excess of \$300,000, the organization shall be required only to amortize such assets at a rate of \$300,000 per year until all such assets have been amortized to a value of zero, unless the continuation of the current amortization schedule would result in an earlier zero value, in which case the current amortization schedule shall be applied.
- t) Amounts due from patients or enrollees for health care services rendered which are not more than 60 days past due.
- u) Amounts advanced to providers under contract to the organization for services to be rendered to enrollees pursuant to the contract. Amounts advanced must be for a period of not more than 3 months and must be based on historical or estimated utilization patterns with the provider and must be reconciled against actual incurred claims at least semi-annually. Amounts due in the aggregate may not exceed 50% of the organization's net worth as defined in Section 3-1 of the Act. Amounts due from a single provider may not exceed the lesser of 5% of the organization's admitted assets or 10% of the organization's net worth.
- v) Cost reimbursement due from the Health Care Financing Administration for furnishing covered medicare services to medicare enrollees which are not more than twelve months past due.
- w) Prepaid rent or lease payments no greater than 3 months in advance, on real property used for the administration of the organization's

business or for the delivery of medical care.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

1) Heading of the Part: Real Estate License Act of 2000

2) Code Citation: 68 Ill. Adm. Code 1450

3) Section Numbers: Adopted Action:

1450.10 New
 1450.15 New
 1450.20 New
 1450.25 New
 1450.30 New
 1450.35 New
 1450.40 New
 1450.50 New
 1450.55 New
 1450.60 New
 1450.65 New
 1450.70 New
 1450.75 New
 1450.80 New
 1450.85 New
 1450.90 New
 1450.95 New
 1450.100 New
 1450.105 New
 1450.110 New
 1450.115 New
 1450.120 New
 1450.125 New
 1450.130 New
 1450.135 New
 1450.140 New
 1450.145 New
 1450.150 New
 1450.155 New
 1450.160 New
 1450.165 New
 1450.170 New
 1450.175 New
 1450.180 New
 1450.185 New
 1450.190 New
 1450.195 New
 1450.200 New
 1450.205 New
 1450.210 New
 1450.215 New
 1450.220 New
 1450.225 New

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1450.230 New
 1450.235 New
 1450.240 New
 1450.245 New
 1450.250 New
 1450.255 New
 1450.260 New
 1450.265 New
 1450.270 New
 1450.275 New
 1450.280 New
 1450.285 New
 1450.290 New
 1450.295 New
 1450.300 New
 1450.305 New
 1450.310 New
 1450.315 New
 1450.320 New
 1450.325 New
 1450.330 New
 1450.335 New
 1450.340 New

- 4) Statutory Authority: Implementing and authorized by the Real Estate License Act of 2000.
- 5) Effective Date of Rule: May 30, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposal Published in Illinois Register: January 14, 2000, Issue 3, 24 Ill. Reg. 387
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version:
 After "Licensee", insert "by Reciprocity" in Section 1450.100 of the Table of Contents.
 Replace "Licensing" with "Licensee" in Section 1450.215 of the Table of

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

Contents.

Section 1450.25

Insert after "card", "and transcript, if applicable" in subsection (e)(1)(A).

Section 1450.60

After "baccalaureate", insert "or masters" in subsection (a).

Replace "including courses involving real estate material" with "in accounting, real estate, law, finance, business, or other degrees approved by OBRE" in subsection (a).

Insert "4) 15 credit hours of mandatory course work as established by the Education Advisory Council and OBRE;" in subsection (b).

Replace "4)" with "5)" and "45" with "30" in subsection (b).

After "for", insert "the preceding" in subsection (c).

Delete the entire paragraph "d) Courses involving...in real estate principles."

Section 1450.65

Insert after "baccalaureate", "or master's" in subsection (a)(4)(D).

Insert after "university", "in accounting, real estate, law, finance, business, or other degrees approved by OBRE" in subsection (a)(4)(D) and delete the remainder of (a)(4)(D).

After "baccalaureate", insert "or masters", in subsection (b)(4)(D).

Insert after "university", "in accounting, real estate, law, finance, business, or other degrees approved by OBRE" in subsection (b)(4)(D) and delete the remainder of (b)(4)(D).

Replace "at the time of" with "prior to" in subsection (c).

Section 1450.70

Insert "5) Transcript if applicable," in subsection (a).

Delete "and" in subsection b)(4).

Insert "5) Transcript, if applicable; and" in subsection (b).

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Replace "5" with "6" in subsection (b).

Section 1450.75

Insert after "card", "and transcript, if applicable" in subsections (c)(2)(A) and (c)(3)(A).

Insert after "card", "and transcript, if applicable" in subsection (c)(3)(A).

Section 1450.100

Replace "Nonresident" with "Nonresident" and insert after "Licensure", "by Reciprocity" in title of the Section.

Section 1450.115

Replace "renewal" with "expiration" in subsections (a)(3)(A) and (a)(3)(B).

Insert in subsection (a) new subparagraph "4) A renewal applicant is required to complete 6 hours of continuing education if:

A) the licensee's initial salesperson's license was issued more than one year prior to that licensee's first expiration date and less than two years prior to that licensee's first expiration date.

B) a broker's license was issued to a person, not already licensed as a salesperson, more than one year prior to that licensee's first broker expiration date and less than two years prior to that licensee's first broker expiration date." Renumber remainder of subsection (a).

After "CE", replace everything and insert "in a curriculum approved by the Education Advisory Council." in subsection (b)(3)(A).

Insert after "completion", ",transcript, etc." in subsection (c)(2).

Delete subsection (c)(3) and renumber remaining text.

Delete ",and...licensee," in subsection (c)(3)(A).

Section 1450.125

Replace "ten" with "fifteen" in subsection (c).

Replace "30" with "60" in subsection (c).

Delete the entire sentence "OBRE shall, upon...Section 1450.95 of this Part." in subsection (e).

OFFICE OF BANKS AND REAL ESTATE

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Section 1450.145

Delete the entire sentence "Written or electronic....on an Internet site." in subsection (a)(5).

Section 1450.165

Delete "and" in subsection (b)(21) and insert:

- "22) perform maintenance, engineering, operations or other building trades work and answer questions about such work;
23) provide security;
24) provide concierge services and other similar amenities to existing tenants
25) manage or supervise maintenance, engineering, operations, building trades and security; and"

Replace "22)" with "26)" in subsection (b).

After "clerical," insert "maintenance, engineering, building trades, security," in subsection (f).

Section 1450.175

Insert new paragraph "2) Pursuant to the terms of a written agreement between a licensee and a client, such as a property management agreement, rent moneys paid to a licensee for transmittal to the licensee's client (e.g., the owner) shall not be considered to be "escrow moneys". In addition, other moneys held in a custodial account by a licensee for transmittal to licensee's client, pursuant to the terms of a written agreement, such as a contract for deed, shall not be subject to these escrow rules." in subsection (a) and renumber.

After "charges," insert sentence "Transfer of funds as provided for in subparagraph (i)(4) of this Section shall not constitute commingling." in subsection (b)(6).

Delete the entire subparagraph "A) For each....this Subpart." in subsection (i)(1) and renumber.

Delete "and shall identify the serial number assigned to the respective transaction from the Master Transaction Log discussed in Section 1450.180".

Replace the entire sentence "However, a.....set forth above" with "However, any such system must contain or produce printed records containing the information required by this Section although it need not be in the same format as provided for in this Section." in subsection

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(i)(6).

Section 1450.180

Delete "a Master Log of Transactions," in the first sentence of subsection (a).

Delete the entire subparagraph "2) The Log of Transactions....30 days after the request" in subsection (a) and renumber.

Section 1450.230

After "Director" insert "or the Director's designee" in subsection (b)(3).

Section 1450.240

After "broker", delete ":" and insert ", unless an interim sponsoring broker or receiver is appointed by the real estate brokerage company or its representative and subject to approval by OBRE:" in the first sentence of subsection (a).

Section 1450.245

Delete the entire sentence "Related documents...the Master Transaction Log." in subsection (b)(2).

Section 1450.275

Delete "or any other similar evidence as required by OBRE" in subsection (e)(7).

Delete "and (8)" in subsection (f)(1),

Delete the entire subparagraph, "7) Those pre-license....the examination requirement." in subsection (f) and renumber.

Insert new subparagraph "D) A mandatory course consisting of 15 class hours, which shall include agency, disclosure, environmental issues, license law and other topics in a curriculum approved by the EAC and OBRE." in subsection (g)(3) and reletter.

Replace "70%" with "75%" in subsection (g)(6).

In addition, nonsubstantive changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

- 13) Will this rule replace an emergency rule currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule: Effective January 1, 2000, the Office of Banks and Real Estate commenced licensing under the new Real Estate Licensing Act of 2000. The rules set forth definitions, license requirements, and other administrative rules needed to implement the new Act.
- 16) Information and questions regarding this adopted rule shall be directed to:

Christopher J. Siebel
Office of Banks and Real Estate
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The full text of the adopted rules begins on the next page:

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VIII: OFFICE OF BANKS AND REAL ESTATE
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1450
REAL ESTATE LICENSE ACT OF 2000

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AUTHORITY: Implementing the Real Estate License Act of 2000 [225 ILCS 455] and authorized by Section 60(7) of the Illinois Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations for the Administration of the Real Estate Brokers and Salesmen License Act (General Rules), effective December 4, 1974; Rules and Regulations for the Administration of the Real Estate Brokers and Salesmen License Act (School Rules), effective July 29, 1974; amended at 3 Ill. Reg. 885, effective February 2, 1979; amended at 4 Ill. Reg. 195, effective August 12, 1980; amended at 5 Ill. Reg. 5343, effective May 6, 1981; amended at 5 Ill. Reg. 8541, effective August 10, 1981; codified at 5 Ill. Reg. 11064; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; emergency amendment at 6 Ill. Reg. 2406, effective February 3, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 821, effective July 1, 1982; amended at 9 Ill. Reg. 341, effective January 3, 1985; transferred from Chapter I, 68 Ill. Adm. Code 450 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1450 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2977; amended at 12 Ill. Reg. 8036, effective April 26, 1988; amended at 15 Ill. Reg. 10416, effective July 1, 1991; amended at 16 Ill. Reg. 3204, effective February 14, 1992; emergency amendment at 19 Ill. Reg. 12003, effective August 8, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16623, effective December 1, 1995; amended at 20 Ill. Reg. 6492, effective April 30, 1996; recodified from Chapter VII, Department of Professional Regulation, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-23 and PA 89-508, at 20 Ill. Reg. 11984; amended at 21 Ill. Reg. 3602, effective March 7, 1997; amended at 21 Ill. Reg. 8350, effective June 30, 1997; old Part repealed and new Part adopted by emergency rulemaking at 24 Ill. Reg. 704, effective January 1, 2000, for a maximum of 150 days; old Part repealed and new Part adopted at 24 Ill. Reg. ~~8263~~ ⁸²⁶³, effective MAY 30 2000.

SUBPART A: DEFINITIONS

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Section 1450.10 Definitions

Unless otherwise clarified by this Part, definitions set forth in the Act also apply for purposes of this Part.

"Act" means the Real Estate License Act of 2000 [225 ILCS 455].

"Affidavit of Non-participation" means a sworn statement made by an unlicensed person associated with or an owner of a licensed real estate corporation, limited liability company, partnership, or limited partnership attesting that the unlicensed person is not actively directing or engaging in real estate activities as part of that association or ownership.

"Compliance agreement" means an agreement entered into between a licensee and OBRE in conjunction with an administrative warning letter.

"Credit hour" means classroom attendance for a minimum of 50 minutes of lecture or its equivalent through a distance learning program approved by OBRE.

"Good moral character" means a reliable and trustworthy character as will enable a person to discharge the duties of a real estate licensee in a manner which protects the public's interest and welfare. Evidence of inability to discharge such duties may include the commission of conduct violative of Section 20-20 of the Act.

"Managing broker" means a broker who has supervisory responsibilities for licensees in one or, in the case of a multi-office company, more than one office and who has been appointed as such by the sponsoring broker. Refer to the definition of sponsoring broker below.

"Moral turpitude" means conduct that is inherently base, depraved or vile.

"Office" means a real estate broker's place of business where the general public is invited to transact business and where records may be maintained and licenses displayed, whether or not it is the broker's principal place of business. When determining whether an office exists the following shall be considered by OBRE:

An office is any business location or structure which is owned, controlled, operated or maintained by a person who, at that location or structure, is:

engaging in licensed activities;

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offering real estate services to consumers;

holding out to the public that the person is engaged in the practice of real estate brokerage;

maintaining original real estate documents and records related to active or pending transactions;

maintaining current escrow records; or

meeting consumers for the purpose of engaging in real estate licensed activities.

The following places do not constitute an office:

a motor vehicle primarily used for transportation;

a place whose purpose is solely devoted to advertising real estate matters of a general nature or to making a sponsoring broker's business name generally known;

a place which a licensee uses solely for storage or archiving of records; or

a licensee's residence unless held out to the public as a location at which real estate brokerage services are available to the public.

A licensee engaged in the practice of real estate brokerage shall maintain an office. If the licensee is sponsored by another, then the office shall be the office of the sponsoring broker.

A post office box, mail drop location, or other similar facility shall not constitute an office, so long as none of the activities described in this definition take place at this facility.

"Semester hours" shall be converted into quarter hours at a ratio of 2 semester hours to 3 quarter hours.

"Sole owner" when used to describe a licensee means a licensee who has a 100% ownership interest alone, has ownership as a joint tenant or tenant by the entirety or holds 100% beneficial interest in a land trust.

"Sponsoring broker" means the broker who has issued a sponsor card to a licensed salesperson, another licensed broker, or a leasing agent.

There shall be only one sponsoring broker for any one real estate

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company. According to the definition herein, the sponsoring broker is the entity holding the company real estate license, whether the entity is an individual who operates as a sole proprietorship, a partnership, limited liability company, corporation or registered limited liability partnership.

The entity that is the sponsoring broker for the real estate company may delegate its duties in accordance with company policy to appropriate company personnel, authorized to act and sign on behalf of the sponsoring broker.

Some examples include but are not limited to:

the sponsoring broker could authorize a managing broker for the company to sign sponsor cards in the name of the sponsoring broker;

the sponsoring broker could authorize a qualified company employee or independent contractor to oversee bookkeeping duties relative to the sponsoring broker's escrow account;

the sponsoring broker may delegate authorized signers for the escrow account to sign on behalf of the sponsoring broker; and

the sponsoring broker may delegate to authorized company personnel, the ability to sign contracts entered into by the sponsoring broker in accordance with the sponsoring broker's company policy.

SUBPART B: LEASING AGENT RULES

Section 1450.15 Leasing Agent General Provisions

- a) A licensed leasing agent shall not engage in any licensed activities other than those activities relating to the leasing of residential real property. A licensed leasing agent may not offer or negotiate the sale or exchange of real estate, or engage in any other activities described in Section 1-10 of the Act not relating to the leasing of residential real estate.
- b) No person other than a duly authorized broker, salesperson, or leasing agent or individual working under a 120 day leasing agent permit shall engage in, for compensation, residential leasing activities for which a license is required under the Act.
- c) No leasing agent licensee may accept compensation for the performance of leasing agent activities except from the sponsoring broker by whom the licensee is employed.

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Section 1450.20 Leasing Agent Examination Requirement

- a) OBRE or its designated testing service shall conduct the examinations at times and places as OBRE shall approve.
- b) If a person who has received a passing score on the examination fails to file an application and meet all requirements for a leasing agent license within one year after receiving a passing score on the examination, credit for the examination shall terminate. The person thereafter may make a new application for examination.
- c) If an individual has failed the examination three times, the individual must repeat the education requirement set forth in Section 5-10 of the Act prior to taking the examination again.

Section 1450.25 Sponsor Card for Leasing Agents

- a) Except for a person working under a 120 day leasing agent permit as provided in Section 1450.40 of this Subpart, no leasing agent license applicant may engage in the activities of a licensed leasing agent until a valid sponsor card has been issued to the applicant.
- b) A sponsoring broker shall prepare upon forms provided by OBRE and deliver to each leasing agent employed by the broker a sponsor card certifying that the person whose name appears thereon is in fact employed by that broker, and that the applicant has not practiced under a 120 day leasing agent permit for more than 120 days.
- c) A sponsor card properly issued pursuant to this Section shall serve as a temporary permit allowing the sponsored individual to engage in practice as a leasing agent until the applicant is issued a leasing agent license. An applicant may practice under a sponsor card temporary permit for a maximum of 45 days.
- d) A licensed real estate broker may issue a sponsor card to an individual only in the following circumstances:
 - 1) upon presentation of a leasing agent examination pass score report which states that the broker may issue a sponsor card; or
 - 2) upon presentation of an original leasing agent license which is endorsed by the broker by whom the leasing agent was previously employed.
- e) The sponsoring broker shall, within 24 hours after issuance of the sponsor card, submit the following to OBRE by certified or registered mail, return receipt requested, or other signature restricted delivery service.
 - 1) For applicants for an initial leasing agent license:
 - A) a copy of the sponsor card and transcript, if applicable;
 - B) a leasing agent examination pass score report which states that the broker may issue a sponsor card;
 - C) a leasing agent license application that is signed by the applicant and on which all questions have been answered; and
 - D) the license application fee required by Section 1450.95 of this Part.

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- 2) For persons already holding a leasing agent license:
- A) a copy of the sponsor card; and
 - B) the properly endorsed leasing agent license and pocket card of the sponsored licensee.
- f) A broker issuing a sponsor card shall retain a copy of the sponsor card until such time as the leasing agent license is received and properly displayed in the broker's office.

Section 1450.30 Issuance of Leasing Agent License

- a) OBRE shall, within 30 days after receipt of the copy of the sponsor card and other documentation submitted by the issuing broker, issue a leasing agent license and a pocket card to the sponsored licensee or notify the applicant why the license cannot be issued.
- b) A leasing agent license shall be conspicuously displayed in the sponsoring broker's office. Each licensee shall carry on the licensee's person the licensee's pocket card or, if a pocket card has not yet been issued, a properly issued sponsor card, when engaging in any licensed activity. The licensee shall display the pocket card or sponsor card upon demand.

Section 1450.35 Termination of Employment of Leasing Agent

- a) Upon termination of employment of a leasing agent licensee, the sponsoring broker shall immediately:
 - 1) endorse the leasing agent's license as provided on that document;
 - 2) submit a photocopy of the endorsed license to OBRE within 2 days after termination by certified mail, return receipt requested, or other signature restricted delivery service;
 - 3) retain a copy of the endorsed license at least until the expiration date printed on that license; and
 - 4) give the original endorsed license indicating the termination to the licensee.
- b) Once a license is endorsed, the leasing agent licensee is prohibited from practicing until the licensee is again issued a properly completed sponsor card.

Section 1450.40 120 Day Leasing Agent Permit

- a) Pursuant to Section 5-5(d) of the Act, a person engaging in practice under the provisions of this Section shall first obtain a 120 day leasing agent permit. A permit holder shall comply with all provisions of the Act and this Subpart as if the permit holder were a licensee, and shall be subject to standards of practice and disciplinary provisions as if the permit holder were a licensee. A broker supervising a permit holder shall be responsible for the activities and actions of a permit holder as if the permit holder were a leasing agent licensee.

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- b) Within 24 hours after employing a permit holder, a broker shall submit the following information to OBRE on forms provided by OBRE:
 - 1) the name, address and other information as is requested by OBRE to identify the permit holder;
 - 2) certification by the permit holder that the applicant has not been a leasing agent licensee within the past two years and that the applicant has not been a permit holder within the past two years;
 - 3) certification that the permit holder is at least 18 years of age;
 - 4) certification that the permit holder has successfully completed a four year course of study in a high school or secondary school or an equivalent course of study approved by the Illinois State Board of Education (e.g., GED); and
 - 5) certification that the permit holder is at the time of application, or will be within a period of 90 days, enrolled in a leasing agent course of instruction approved by OBRE.
- c) Upon expiration of the 120 day leasing agent permit period, the permit holder shall immediately cease engaging in leasing agent activities unless the person has been issued a leasing agent sponsor card or a leasing agent license.
- d) A person shall not practice pursuant to a 120 day leasing agent permit more than once in any 24 month period. A person who has been a leasing agent licensee within the past 24 month period shall not practice as a 120 day permit holder.

Section 1450.50 Continuing Education Requirement for Leasing Agents

- a) Beginning with the July 31, 2000 renewal of licenses for leasing agents, and for every renewal thereafter, each leasing agent licensee shall complete during the 24 month period prior to that renewal a minimum of six hours of continuing education (CE) that is relevant to leasing residential real property and is approved by the Advisory Council created by Section 30-10 of the Act. Approved courses shall, at a minimum, cover recent changes in the Act and other laws affecting the leasing of residential real estate and material regarding fair housing laws relating to the leasing of residential real property.
- b) A renewal applicant is not required to comply with these requirements for the first renewal following the original issuance of the applicant's leasing agent license.
- c) Continuing education schools, instructors, and courses must be approved by OBRE as provided in Section 1450.285 of this Part.
- d) Licensee compliance with CE requirements shall be certified pursuant to the following provisions:
 - 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements of this Section.
 - 2) OBRE may, in the context of compliance audits, require additional evidence demonstrating compliance with the CE requirements (e.g., a certificate of attendance). It is the responsibility of each

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- renewal applicant to retain or otherwise produce evidence of compliance.
- 3) In the context of a compliance audit, OBRE shall accept verification (e.g., original transcript, certificate of attendance) submitted directly from a school on behalf of a renewal applicant as proof of CE compliance.
 - 4) When there appears to be a lack of compliance with CE requirements, a licensee shall be subject to discipline pursuant to this Part and the Act.
 - e) OBRE shall conduct audits pursuant to Section 1450.245 to verify compliance with this Section.

Section 1450.55 Approved Courses, Schools and Instructors for Leasing Agents

All pre-license education courses, continuing education courses, schools and instructors relating to leasing agent licensure must be approved by the Advisory Council and licensed pursuant to Sections 1450.275 and 1450.285 of this Part.

SUBPART C: LICENSING AND EDUCATION

Section 1450.60 Educational Requirements to Obtain a Broker's or Salesperson's License

- a) An applicant for a salesperson's license must have successfully completed 45 credit hours of instruction in an approved Real Estate Transaction Course or have received a baccalaureate or master's degree in accounting, real estate, law, finance, business, or other degrees approved by OBRE.
- b) 120 credit hours of instruction in approved courses or a baccalaureate degree including courses involving real estate or related material are required for broker applicants. Credit shall be given for class hours successfully completed in the following manner:
 - 1) 45 credit hours for a Real Estate Transactions course;
 - 2) 15 credit hours for a Brokerage Administration course;
 - 3) 15 credit hours for Contracts and Conveyances;
 - 4) 15 credit hours of mandatory course work as established by the Education Advisory Council and OBRE;
- 5) Credit for the remaining 30 class hours may be obtained by completing at least two of the following courses listed:
 - A) Appraisal
 - B) Property Management
 - C) Financing
 - D) Sales and Brokerage
 - E) Farm Property Management
 - F) Real Property Insurance
- c) An applicant for a broker license who is licensed as an Illinois real estate salesperson is presumed to have completed a 45 credit hour Real

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Estate Transactions course provided that the licensee has not been nonrenewed for the preceding two years or more. Having received 45 class hours credit as a licensed real estate salesperson, an additional 45 class hours credit cannot be earned by taking a Real Estate Transactions course.

Section 1450.65 Salesperson and Broker Examinations

- a) Each applicant for a salesperson's license shall file an application for examination as determined by the designated testing service. The application shall include:
 - 1) Certification that the applicant is 21 years of age or 18 having attained the education required by Section 5-25 of the Act. Forty-eight semester hours shall meet the minimum requirements of Section 5-25.
 - 2) Certification of graduation from high school or its equivalent (e.g., GED).
 - 3) The required fee as provided in Section 1450.95 of this Part.
 - 4) Proof of one of the following:
 - A) Currently admitted to practice law by the Supreme Court of Illinois;
 - B) Completion of at least 45 class hours of instruction in real estate courses approved by the Advisory Council; or
 - C) Completion of a correspondence course approved by the Advisory Council in accordance with Section 1450.295 of this Part; or
 - D) Evidence of receiving a baccalaureate or master's degree from a college or university in accounting, real estate, law, finance, business, or other degrees approved by OBRE.
- b) Each applicant for a broker's license shall file an application for examination as determined by the designated testing service. The application shall include:
 - 1) Certification that the applicant is 21 years of age or 18 having attained the education required by Section 5-25 of the Act. Forty-eight semester hours shall meet the requirements of Section 5-25;
 - 2) Certification of graduation from high school or its equivalent (e.g., GED);
 - 3) The required fee as provided in Section 1450.95 of this Part;
 - 4) Proof of one of the following:
 - A) Currently admitted to practice law by the Supreme Court of Illinois;
 - B) Completion of at least 120 hours of instruction in real estate courses approved by the Advisory Council in accordance with Section 1450.275;
 - C) Completion of a correspondence course approved by the Advisory Council in accordance with Section 1450.295 of this Part; or

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- D) Evidence of receiving a baccalaureate or master's degree from a college or university in accounting, real estate, law, finance, business, or other degrees approved by OBRE.
- c) Applicants who complete the instruction described in subsection (b)(4)(B) above after the final filing date for an examination will be permitted to submit proof prior to the examination, subject to the late fee and late proof procedures established by the testing service designated by OBRE.
- d) If an applicant has failed an examination 3 times, the applicant must repeat the pre-license education in order to be readmitted to sit for the examination.
- e) Pursuant to Section 5-35(c) of the Act, the 3 year time period does not apply to education earned as part of a baccalaureate degree program.

Section 1450.70 Applications for Salespersons and Brokers Licenses by Examination

- a) Each applicant for a salesperson's license shall submit to OBRE:
- 1) An application which is signed by the applicant and on which all questions have been answered;
 - 2) The fee as provided by Section 1450.95 of this Part;
 - 3) Proof of successful completion of the examination authorized by OBRE;
 - 4) A properly completed sponsor card issued in accordance with Section 1450.75 of this Part; and
 - 5) Transcript, if applicable.
- b) Each applicant for a broker's license shall submit to OBRE:
- 1) An application which is signed and on which all questions have been answered;
 - 2) The fee as provided by Section 1450.95 of this Part;
 - 3) Proof of successful completion of the examination authorized by OBRE;
 - 4) A properly completed sponsor card form issued in accordance with Section 1450.75 of this Part;
 - 5) Transcript, if applicable; and
 - 6) If the applicant will be a sponsoring broker, a properly completed consent to audit and examine special accounts form.
- c) An applicant shall have one year from the date of receipt of a passing score on the examination to file an application with OBRE and to meet all of the requirements for licensure.

Section 1450.75 Sponsor Cards for Brokers and Salespersons

- a) A properly issued sponsor card shall serve as a temporary permit allowing the sponsored individual to engage in the practice of real estate for a maximum of 45 days only for the sponsoring broker named on the sponsor card.

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- b) The sponsoring broker shall issue a sponsor card to an individual only in the following instances:
- 1) Upon presentation of a real estate examination pass score report which states that the broker may issue a sponsor card;
 - 2) Upon presentation of an original license endorsed by the broker by whom the licensee was previously employed or with whom the licensee was previously associated; or
 - 3) Upon presentation of a license expired for less than 2 years.
- c) Upon issuance of a sponsor card, the issuing broker shall, within 24 hours after issuance, submit the following to OBRE by certified or registered mail return receipt requested or other signature restricted delivery service:
- 1) For Licensees
 - A) a copy of the sponsor card and transcript, if applicable;
 - B) appropriate sponsor card fee as set forth in Section 1450.95 of this Part; and
 - C) one of the following:
 - i) the properly endorsed real estate license and pocket card of the sponsored licensee; or
 - ii) an expired license of the sponsored licensee along with the fee as provided by Section 1450.95 of this Part and proof of education, if applicable, as required by Section 5-50 or 5-55 of the Act; or
 - iii) the pocket card of the licensee and a sworn statement by the licensee explaining why the license is not submitted.
 - If neither the license nor pocket card is available, the status of the license shall be verified by the Director of Real Estate or his or her designee.
- 2) For Salesperson Applicants
- A) a copy of the sponsor card and transcript, if applicable;
 - B) a real estate pass score report which states that the broker may issue a sponsor card; and
 - C) other documentation as required by Section 1450.70 of this Part.
- 3) For Broker Applicants
- A) a copy of the sponsor card and transcript, if applicable;
 - B) a real estate pass score report which states that the broker may issue a sponsor card; and
 - C) other documentation as required by Section 1450.70 of this Part.
- 4) Should applicant be found not to have completed all the requirements, the applicant's sponsor card shall be void, the applicant shall be considered to have never been authorized to practice, and the applicant shall be subject to disciplinary action in accordance with Section 20-20 of the Act and Section 1450.220 of this Part.
- d) A licensed real estate broker may practice as a sole proprietor,

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partnership, corporation, or limited liability company provided that prior to doing business the broker complies with the licensing requirements for partnerships, corporations or limited liability companies set forth in Section 1450.85 of this Part and submits the following to OBRE by certified or registered mail return receipt requested or other signature restricted delivery service:

- 1) a copy of the sponsor card issued to himself;
- 2) the appropriate sponsor card fee as provided by Section 1450.95(h)(2); and
- 3) one of the following:
 - A) his or her properly endorsed real estate broker license and pocket card; or
 - B) an expired broker license along with the fee set forth in Section 1450.95 and proof of education, if applicable, as required by Section 1450.105; or
 - C) the pocket card and a sworn statement by the licensee explaining why the license is not submitted. If neither the license nor the pocket card is available, the status of the license shall be verified by the Director or his or her designee; or
 - D) a completed consent to audit and examine special accounts form if one is not already on file.

e) OBRE shall, within 30 days after receipt of the sponsor card, appropriate fees and appropriate documentation, issue a license to the sponsored licensee, or notify the applicant why the license cannot be issued.

f) Expiration of the Sponsor Card. A sponsor card shall be valid for a period of 45 days from issue date unless extended for an additional 45 days by OBRE for good cause.

1) Good cause shall be limited to those instances where OBRE has unnecessarily delayed the processing of a license.

2) The request for extension shall be considered granted only upon written notice thereof from OBRE.

g) The sponsoring broker shall retain a copy of the sponsor card until the license is received.

h) Upon termination of a licensee, a sponsoring broker shall immediately:

- 1) Endorse the licensee's license as provided for on that document;
- 2) Submit a photocopy of the endorsed license to OBRE within 2 business days after termination by certified or registered mail return receipt requested, or other signature restricted delivery service;

3) Retain a copy of the endorsed license at least until the expiration date printed on that license; and

4) Give the original endorsed license to the licensee.

i) Once a license has been endorsed, the licensee is prohibited from practicing real estate until the licensee is issued a properly completed sponsor card.

j) Each licensee shall carry either a properly issued sponsor card or a

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valid pocket card at all times and shall display same upon demand.

Section 1450.80 Branch Offices

a) A sponsoring broker wanting to operate a real estate branch office shall, in accordance with Section 5-45 of the Act, file an application with OBRE, on forms provided by OBRE, together with the following:

- 1) A properly completed Consent to Examine and Audit Special Accounts form;
 - 2) The name and license number of the manager of the branch office; and
 - 3) All required fees under Section 1450.95.
- b) Upon receipt of the above documents and review of the application, OBRE shall issue a license authorizing the sponsoring broker to engage in real estate activities at that branch office or shall notify the applicant of the reason for the denial of the license.
- c) The name of the branch office shall be the same as that of the main office, or shall clearly delineate the branch office's relationship with the main office (e.g., affiliated with, associated with, subsidiary of).
- d) The sponsoring broker shall not open a branch office or have licensees working from a branch office until after receipt of the branch office license.

Section 1450.85 Corporations, Limited Liability Companies, Partnerships, and Limited Partnerships

a) Persons who desire to practice real estate in this State in the form of a corporation, limited liability company, or partnership shall, in accordance with Section 5-15 of the Act, file an application with OBRE, on forms provided by OBRE, together with the following:

- 1) If an assumed name is to be used, a copy of the assumed name certificate;
 - 2) A Federal Employer Identification Number (FEIN). If a FEIN has not been issued, a photocopy of the FEIN application;
 - 3) A properly completed Consent to Examine and Audit Special Accounts form;
 - 4) A properly completed real estate corporation/limited liability company/partnership information form;
 - 5) The fee as provided by Section 1450.95 of this Subpart.
- b) All requirements for a license to practice as a corporation, limited liability company or partnership shall be met within 1 year after the date of original application or the application shall be denied and the fee forfeited. Thereafter, to be considered for licensure, the applicant shall file a new application and fee.
- c) Corporations, in addition to the items listed in subsection (a) of this Section, shall submit the following:

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- 1) The name of the corporation and its registered address, a list of all officers, and the license number for each officer who is licensed as a real estate broker;
- 2) A copy of the Articles of Incorporation bearing the seal of the office, in the jurisdiction in which the corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction. If it is a foreign corporation, a copy of the certificate of authority to transact business in this State is also required;
- 3) All unlicensed officers shall submit affidavits of non-participation with the corporation application. Licensed salespersons shall not be officers of the corporation even if they submit an affidavit of non-participation; and
- 4) A list of all shareholders, the number of shares of the corporation owned and the license number for each shareholder who is a licensee.
- d) Limited liability companies, in addition to the items listed in subsection (a), shall submit the following:
 - 1) The name of the limited liability company and its registered address, a list of all members, and the license number for each member who has an Illinois real estate license. If a member of the limited liability company is a business entity, the applicant shall identify any licensees who are owners, officers, managers, or partners of the business entity;
 - 2) A list of all managers and their broker license numbers;
 - 3) A copy of the Articles of Organization filed with the Secretary of State or, if it is a foreign limited liability company, a copy of the application for admission endorsed by the Secretary of State.

All unlicensed members shall submit with the limited liability company application affidavits of non-participation. Licensed salespersons shall not be managers of the limited liability company even if they submit an affidavit of non-participation.

- e) Partnerships, in addition to the items listed in subsection (a), shall submit the following:
 - 1) An application containing the name of the partnership and its business address and the names of all general partners, and the broker license number of each general partner. Licensed salespersons shall not be general partners.
 - 2) An affidavit stating that the partnership has been legally formed.
- f) Limited partnerships, in addition to the items listed in subsection (a), shall submit the following:
 - 1) A letter of authority from the Secretary of State's Limited Partnership Department or, if it is a foreign limited partnership, a copy of the application for admission endorsed by the Secretary of State;
 - 2) A listing of all general partners and, if any general partner is

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- a real estate licensee, the broker license number for each licensed general partner;
- 3) All unlicensed general partners must submit with the partnership application affidavits of non-participation; and
- 4) If the general partner is an entity, the identity and license number of any brokerage licenses who are owners, managers, members or partners of the entity.
- g) In assessing the restrictions against a salesperson or leasing agent, or group of salespersons or leasing agents, owning, or directly or indirectly controlling, more than 49% of a corporation, limited liability company, or partnership, pursuant to Section 5-15(e) of the Act the following may be considered:
 - 1) For corporations: OBRE may consider the role of any salespersons or leasing agents in any limited liability company or partnership that may have an interest in the corporation.
 - 2) Limited liability companies: OBRE may consider the role of any salespersons or leasing agents in any corporation or partnership that may serve as a member or manager of the limited liability company.
 - 3) Partnerships: OBRE may consider the role of any salespersons or leasing agents in any corporation or limited liability company that may serve as a limited partner. Additional information may be requested by OBRE as necessary to determine compliance with this restriction.
- h) Upon receipt of the above documents and review of the application, OBRE shall issue a license authorizing the corporation, limited liability company, or partnership to engage in the practice of real estate or shall notify the applicant of the reason for the denial of the license.

Section 1450.90 Assumed Name

- a) If a sponsoring broker acting as a sole proprietor operates under any name other than that appearing on his or her license, the sponsoring broker shall submit to OBRE a certified copy of the broker's registration under the Assumed Business Name Act [805 ILCS 405]. The assumed business name registration shall be obtained in each county in which the assumed business name is used. Any corporation, limited partnership, general partnership or limited liability company operating under any name other than that appearing on its application for a license shall provide to OBRE a copy of the filing or certificate authorizing it to do business under an assumed name. Sponsored licensees may not operate under an assumed business name other than that of their sponsoring broker.
- b) The licensee shall submit the information to OBRE within 30 days after use of the assumed name.

Section 1450.95 Fees

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- a) License of a Leasing Agent.
- 1) The application fee for an initial leasing agent license shall be \$50.
 - 2) The application fee to renew a leasing agent license shall be \$25 per year.
 - 3) The late renewal fee for leasing agent licenses renewed after the expiration date of the license shall be \$50.
 - 4) The fee for issuing a 120 day leasing agent permit shall be \$25.
- b) License of Real Estate Salesperson.
- 1) The fee for an initial license as a salesperson is \$100. The fee must accompany the application to determine the applicant's fitness to receive a license.
 - 2) The fee for renewal of a salesperson's license which has not expired shall be calculated at the rate of \$25 per year.
 - 3) The fee for the renewal of a salesperson's license which has been expired for not more than 2 years, as provided for in Section 5-55 of the Act, is the sum of all lapsed renewal fees plus \$50.
- c) License of Broker.
- 1) The fee for an initial license as a broker is \$100. The fee must accompany the application to determine an applicant's fitness to receive a license.
 - 2) The fee for the renewal of a broker's license which has not expired shall be calculated at the rate of \$50 per year.
 - 3) The fee for the renewal of a broker's license which has been expired for not more than 2 years, as provided for in Section 5-55 of the Act, is the sum of all lapsed renewal fees plus \$50.
- d) License of Partnership, Limited Liability Company, or Corporation.
- 1) The fee for an initial license for a partnership, limited liability company, or corporation is \$100. The fee must accompany the application to determine an applicant's fitness to receive a license.
 - 2) The fee for the renewal of a license for a partnership, limited liability company, or corporation shall be calculated at the rate of \$50 per year.
 - 3) The fee for the renewal of a license for a partnership, limited liability company or corporation which has been expired is the sum of all lapsed renewal fees plus \$50.
- e) License for Branch Office.
- 1) The fee for an initial license for a branch office is \$100. The fee must accompany the application to determine an applicant's fitness to receive a license.
 - 2) The fee for the renewal of a branch office license shall be calculated at the rate of \$50 per year.
 - 3) The fee for the renewal of a branch office license which has been expired is the sum of all lapsed renewal fees plus \$50.
- f) Pre-License School, Instructor, and Course Fees.
- 1) The fee for an application for initial approval of a pre-license school is \$1,000. The fee must accompany the application to

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- determine an applicant's fitness to receive a license.
- 2) The fee for renewal of approval of a pre-license school shall be calculated at the rate of \$500 per year.
 - 3) The fee for the renewal of approval of a pre-license school which has been expired is the sum of all lapsed renewal fees plus \$50.
 - 4) The fee for an application for initial approval of a branch for a pre-license school is \$150 per branch. The fee must accompany the application to determine an applicant's fitness to receive approval.
 - 5) The fee for renewal of approval of a branch for a pre-license school shall be calculated at the rate of \$100 per branch per year.
 - 6) The fee for the renewal of approval of a branch for a pre-license school which has been expired is the sum of all lapsed renewal fees plus \$50.
 - 7) The fee for transferring a branch location shall be \$25 per transfer.
 - 8) The fee for application for initial approval of a pre-license instructor is \$100. The fee must accompany the application to determine the applicant's fitness for approval.
 - 9) The fee for renewal of approval of a pre-license instructor shall be calculated at the rate of \$100 per year.
 - 10) The fee for the renewal of approval of a pre-license instructor which has been expired is the sum of all lapsed renewal fees plus \$50.
 - 11) The fee for application for initial approval of a pre-license course is \$100. The fee must accompany the application for approval.
 - 12) The fee for renewal of approval of a pre-license course shall be calculated at the rate of \$25 per year.
 - 13) The fee for the renewal of approval of a pre-license course which has been expired is the sum of all lapsed renewal fees plus \$50.
- g) Continuing Education School, Instructor, and Course Fees.
- 1) The fee for an application for initial approval as a continuing education (CE) school shall be \$2,000. The fee must accompany the application to determine an applicant's fitness for approval.
 - 2) The fee for renewal of approval as a CE school shall be \$2,000 per year.
 - 3) The fee for renewal of approval as a CE school which has expired shall be all lapsed renewal fees plus \$50.
 - 4) The fee for an application for initial approval as a CE instructor shall be \$50. The fee must accompany the application to determine an applicant's fitness to receive approval.
 - 5) The fee for renewal of approval as a CE instructor shall be \$50 per year.
 - 6) The fee for the renewal of approval as a CE instructor which has been expired shall be all lapsed renewal fees plus \$50.
 - 7) The fee for an application for initial approval of a CE course

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shall be \$100. The fee must accompany the application for approval.

- 8) The fee for renewal of approval of a CE course shall be \$25 per year.
- 9) The fee for renewal of approval of a CE course which has expired shall be all lapsed renewal fees plus \$50.

h) General.

- 1) All fees paid pursuant to the Act and this Section are non-refundable.
- 2) The fee for the issuance of a duplicate license or pocket card, for the issuance of a replacement license or pocket card for a license or pocket card which has been lost or destroyed, for the issuance of a license with a change of name or address other than during the renewal period, or for the issuance of a license with a change of location of business, is \$25.
- 3) The fee for a certification of a licensee's record for any purpose is \$25.
- 4) The fee for a wall license showing registration shall be the cost of producing the license.
- 5) The fee for a roster of persons licensed under the Act or for a list of licensees sponsored by the sponsoring broker shall be the cost of producing the roster.
- 6) Applicants for an examination as a leasing agent, broker, salesperson, or instructor shall be required to pay a fee covering the cost of providing the examination. If a designated testing service is utilized for the examination, the fee shall be paid directly to the designated testing service. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged, shall result in the forfeiture of the examination fee.
- 7) The fee for requesting a waiver of continuing education requirements pursuant to Section 5-70 of the Act shall be \$25.
- 8) The fee for processing a sponsor card other than at the time of original licensure is \$25.
- 9) The fee for a copy of a transcript of the proceedings under Section 20-60(h) of the Act shall be the cost of a copy of the transcript. A copy of the balance of the record will be provided at OBRE's cost for producing the record.
- 10) The fee for certifying the record referred to in Section 20-75 of the Act is \$1 per page of the record.
- 11) OBRE may charge an administrative fee not to exceed \$500, as a part of a compliance agreement issued with an administrative warning letter pursuant to Section 1450.250(d)(2).

Section 1450.100 Nonresident Licensure by Reciprocity

- a) A nonresident broker's license shall be issued to a real estate broker

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licensed under the laws of his or her state of domicile under the following conditions:

- 1) That the broker is the holder of an active broker's license in his or her state of domicile;
- 2) OBRE has a reciprocal agreement with the broker's state of domicile that includes the provisions of this Section;
- 3) That the standards of that state for licensing as a real estate broker are substantially equivalent to or greater than the minimum standards in Illinois;
- 4) That the broker maintains a definite place of business in his or her state of domicile and has been actively engaged in the real estate business as a broker during the immediately preceding 2 years; and
- 5) The broker shall file an application, on forms furnished by OBRE, along with the required fee and:
 - A) a statement bearing the seal of the licensing authority from each state in which he or she is licensed, showing:
 - i) that he or she has an active license as a broker in that state;
 - ii) that the license is in good standing; and
 - iii) that no complaints are pending against the broker;
 - B) proof of passing an approved test on Illinois specific real estate brokerage laws;
 - C) if the broker does not maintain a definite office or place of business within the State of Illinois, a written statement which:
 - i) appoints the Commissioner to act as the broker's agent upon whom all judicial and other process may be served;
 - ii) acknowledges and agrees to abide by all of the provisions of the Act with respect to all of the broker's activities within and relating to the State of Illinois; and
 - iii) assents to jurisdiction of OBRE;
 - D) properly completed 45 day sponsor card form.
- b) A nonresident salesperson's license may be issued to a real estate salesperson who is employed by or associated with a nonresident broker holding a broker license in this State under the following conditions:
 - 1) That the salesperson is the holder of an active license in his or her state of domicile;
 - 2) That the salesperson is domiciled in the same state as the broker with whom he or she is associated;
 - 3) OBRE has a reciprocal agreement with the salesperson's state of domicile that includes the provisions of this Section;
 - 4) That the standards of that state for licensing as a salesperson are substantially equivalent to or greater than the minimum standards in Illinois; and
 - 5) The salesperson shall file an application on forms furnished by

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OBRE, along with the required fee and:

- A) a properly completed 45 day sponsor card form;
 B) a statement bearing the seal of the licensing authority from each state in which he or she is licensed, showing:

- i) that he or she has an active license as a salesperson in that state;
- ii) that the license is in good standing; and
- iii) that no complaints are pending against the salesperson;

- C) proof of passing an approved test on Illinois specific real estate brokerage laws; and

- D) if the salesperson does not maintain a definite office or place of business within the State of Illinois, a written statement which:

- i) appoints the Commissioner to act as the salesperson's agent upon whom all judicial and other process may be served;
- ii) acknowledges and agrees to abide by all of the provisions of the Act with respect to all of the salesperson's activities within and relating to the State of Illinois; and
- iii) assents to jurisdiction of OBRE.

- c) Licenses previously granted under reciprocal agreements with other states shall remain in force so long as OBRE has a reciprocal agreement with the state that includes the requirements of this Section, unless that license is suspended, revoked, or terminated by OBRE for any reason provided for suspension, revocation, or termination of a resident licensee's license. Licenses granted under reciprocal agreements may be renewed in the same manner as a resident's license. Any licensee who renews a license which was granted under a reciprocal agreement thereby assents to jurisdiction without regard to the location of the licensee's domicile or principal business location or office locations.

- d) Any person holding a valid nonresident license under this Section shall be eligible to obtain a broker's or salesperson's license of the type granted to residents without examination should that person change his/her state of domicile to Illinois and that person otherwise meets the qualifications for licensure under this Act.

- e) All requirements for nonresident licensure shall be met within 1 year after the date of original application or the application shall be denied and the fee forfeited. Thereafter, to be reconsidered for licensure, the applicant shall file a new application and fee.

Section 1450.105 Renewals

- a) Every leasing agent license issued under the Act shall expire on July 31 of each even numbered year.
- b) Every salesperson's license issued under the Act shall expire on April

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- 30 of each odd numbered year. All salespersons licenses which expire on March 31, 2001, pursuant to the Real Estate License Act of 1983 shall be extended to April 30, 2001.

- c) Every broker's license issued under the Act shall expire on April 30 of each even numbered year. All broker licenses which expire on January 31, 2000, pursuant to the Real Estate License Act of 1983 shall be extended to April 30, 2000. Sponsoring brokers shall also submit a properly completed consent to audit and examine special accounts form.

- d) Every license issued to a corporation, limited liability company, partnership, limited partnership, or branch office under the Act shall expire on October 31 of each even numbered year. The holder of the license shall submit the following:

- 1) A properly completed consent to audit and examine special accounts form; and
- 2) A properly completed change of business information form as provided for in Section 1450.110 of this Part.

- e) Renewal applications shall be submitted on forms provided by OBRE. All renewals shall include the name and license number of the sponsoring broker. Failure to receive a renewal form from OBRE shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

- f) Practicing or offering to practice on an expired or inoperative license shall constitute unlicensed or unauthorized practice and shall be grounds for discipline pursuant to Section 20-20 of the Act.

- g) Any leasing agent, salesperson, or broker whose license under the Act has expired is eligible to renew the license without paying any lapsed renewal fees or reinstatement fee provided that the license expired while the licensee was:

- 1) on active duty with the United States Army, United States Navy, United States Marine Corps, United States Air Force, United States Coast Guard, the State Militia called into the service or training of the United States, or
- 2) engaged in training or education under the supervision of the United States prior to induction into military service, or
- 3) serving as the Director or Deputy Director of Real Estate in the State of Illinois, or as an employee of OBRE. A licensee renewing his or her license in accordance with this subsection may renew the license within a period of two years following the termination of service and are not required to take a refresher course or a retest.

- h) In accordance with Section 5-55 of the Act, any licensee whose license under this Act has expired for more than 2 years shall not be eligible for renewal of that license. Any licensee whose license has been expired for less than 2 years may renew the license at any time by complying with the requirements of this Section, by paying the fees required by Section 1450.95 of this Part and by providing OBRE with evidence that the licensee has satisfactorily completed the required

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continuing education courses, including six hours per year while the license was nonrenewed.

- i) In accordance with Section 5-50 of the Act, upon request, OBRE shall prepare and mail to the sponsoring real estate broker a listing of licensees who, according to the records of OBRE, are sponsored by that broker. The sponsoring broker shall notify OBRE concerning any inaccuracies in the listing within 30 days after its receipt.

Section 1450.110 Change of Information

- a) It is the responsibility of each licensee to immediately notify OBRE of any change of name, address, or office location. For example, if the licensee has had a name change either by court order or due to a change in marital status, the licensee shall notify OBRE of the name change together with a certified copy of the marriage certificate or portions of the court order relating to the name change, and indicate under which name the license shall issue. If the licensee regularly practices under a diminutive of their first name (e.g., Meg for Margaret or Mark for Mariusz or Sam for Shamim) or a middle name instead of the licensee's full legal name, the licensee shall notify OBRE of the alternate name. To help ensure proper credit, the licensee shall ensure that all continuing education certificates are issued under the name of licensee.

- b) It is the responsibility of each sponsoring broker to immediately notify OBRE of any change of business information.

- 1) When a licensee acquires or transfers any interest in a corporation, limited liability company, partnership, or limited partnership licensed under the Act, the sponsoring broker shall submit to OBRE a properly completed change of business information form.

- 2) When a licensee becomes an officer or manager of a corporation, limited liability company, partnership, or limited partnership licensed under the Act, the sponsoring broker shall submit to OBRE a properly completed change of business information form. Any changes in managing brokers, branch or principal offices shall be reported in writing to OBRE within 15 days after the change.

Section 1450.115 Continuing Education

- a) Continuing Education Hour Requirements

- 1) Pursuant to Article 5 of the Act, each licensee who is required to take continuing education (CE) shall complete 6 hours of CE for each year of the prerenewal period in courses approved by the Advisory Council.

- 2) Pursuant to Section 5-70 of the Act, CE requirements apply to those licensees who obtained initial licensure in Illinois on or after January 1, 1977 and those licensees who did not have a

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license for 15 years as of January 1, 1992. Continuous licensure is not required to be eligible for this exemption. However, if a license has been nonrenewed for a period of 2 years or more, the date of initial licensure, for purposes of this Section, shall be the date of licensure after that nonrenewed period.

- 3) A renewal applicant is not required to comply with the CE requirements for the first renewal following original licensure if:
 - A) an initial salesperson's license was issued less than one year prior to the expiration date; or
 - B) a broker's license was issued to a person, not already licensed as a salesperson, less than one year prior to the expiration date.

- 4) A renewal applicant is required to complete 6 hours of continuing education if:
 - A) the licensee's initial salesperson license was issued more than one year prior to that licensee's first expiration date and less than two years prior to that licensee's first expiration date.
 - B) a broker's license was issued to a person, not already licensed as a salesperson, more than one year prior to that licensee's first broker expiration date and less than two years prior to that licensee's first expiration date.

- 5) Salespersons and brokers licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section, unless they are exempt pursuant to Section 5-70(a) of the Act or subsections (a)(2) or (a)(3) above.

- 6) OBRE shall conduct random audits to verify compliance with this Section.
 - b) Approved Continuing Education
 - 1) CE credit may be earned for verified attendance at or participation in a course which is offered by an approved CE school that meets the requirements set forth in Section 1450.295 of this Part.
 - 2) CE credit may also be earned for completion of a self-study course that is offered by an approved CE school that meets the requirements set forth in Section 1450.295 of this Part.
 - 3) Pursuant to Section 5-70 of the Act, the CE in a curriculum approved by the Education Advisory Council requirement shall be satisfied by successful completion of the following:
 - A) Core category. A minimum of 6 hours of CE in a curriculum approved by the Education Advisory Council.
 - B) Elective category. A maximum of 6 hours of CE in the following elective courses:
 - i) Appraisal;
 - ii) Property management;
 - iii) Residential brokerage;
 - iv) Farm property management;

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- v) Rights and duties of sellers, buyers and brokers;
- vi) Commercial brokerage and leasing;
- vii) Real estate financing; and
- viii) Other CE courses approved by the Advisory Council (e.g., real estate tax laws).
- 4) One hour of approved CE shall include at least 50 minutes of classroom instruction and shall be exclusive of any time devoted to taking the examination as set forth in subsection (b)(6) below.
- 5) Each CE course shall include one or more subjects from either the core category or elective category set forth in subsection (b)(3)(A) or (b)(3)(B), where the individual is in actual attendance, or participates in, or completes self-study. All CE courses shall be a minimum of three hours and shall be offered in three-hour increments. Each three-hour increment shall be from topics in the core or elective category. In no case shall topics from the core and elective category be combined within the same three-hour period. The CE school shall clearly indicate on the certificate of completion the number of hours earned from each CE course and identify whether the completed course was from the core or elective category.
- 6) Each CE course shall include the successful completion of an examination which measures the attendee's understanding of the course material. A score of at least 70% is required on the examination for successful completion of any CE course.
- A) The examination shall be given on-site immediately following any CE course. When a sequence of courses is offered, the examination may be given either at the end of each individual course or it may be given at the end of the sequence of courses so long as the examination covers all aspects of the course material.
- B) All examinations, including self-study examinations and retake examinations, shall be proctored by a representative of the approved CE school and shall include at least 25 questions for each three-hour increment of CE earned.
- C) No credit for CE shall be given to any licensee unless the examination is successfully completed. The CE school shall allow the attendee one retake within 30 days after a failed examination in order to receive credit for CE. No more than one retake shall be allowed. A licensee failing a retake shall not receive credit for that CE course unless the entire course is retaken and the examination is successfully completed.
- 7) Self-study CE shall comply with all of the requirements of this Section, except that:
- A) Verified attendance is only required for taking the examination.
- B) Classroom instruction is not required for self-study CE, as

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- the intent is for the licensees to review and learn the material on their own.
- C) Acceptable self-study materials include, but are not limited to, reading material and audio/video cassettes.
- D) The examination site for self-study CE shall be determined by the CE school, and it shall be proctored by a representative of the approved sponsor. An approved instructor is not required to proctor the examination.
- 8) All CE courses shall:
- A) Contribute to the advancement, integrity, extension and enhancement of professional skills and knowledge in the practice of real estate;
- B) Provide experiences (e.g., role playing, lectures, films) which contain subject matter and course materials relevant to that set forth in Section 5-70 of the Act; and
- C) Be developed and presented by persons with education and/or experience in the subject matter of the CE course.
- 9) Nothing shall prohibit an approved CE school and its instructors from utilizing audio-visual aides or satellite communications with two-way voice interaction in assisting in the presentation of CE courses.
- 10) Pursuant to Section 5-70(f) of the Act, CE credit may be earned by an approved instructor for teaching an approved CE course or pre-license course also approved for CE. Credit for teaching an approved CE course may only be earned one time per course during a prerenewal period. One hour of teaching is equal to one hour of CE.
- 11) As provided for in Section 5-75 of the Act, if licensees have earned CE hours offered in another state or territory for which they will be claiming credit toward full compliance in Illinois, each applicant shall submit an application along with a \$25 processing fee within 90 days after completion of the CE course and prior to expiration of the license. The Advisory Council shall review and recommend approval or disapproval of the CE course provided the CE school and CE course are substantially equivalent to those approved in Illinois and provided that the course included the successful completion of a proctored examination. In determining whether the CE school and CE course are substantially equivalent the Advisory Council shall use the criteria in Sections 5-70 through 5-85 of the Act and this Section.
- 12) CE credit shall not be given for CE courses taken in Illinois from schools not pre-approved by OBRE.
- 13) Except for self-study CE courses, no more than 6 hours of CE may be taken in any calendar day.
- c) Certification of Compliance with CE Requirements
- 1) Each licensee shall certify on the renewal application full compliance with the CE requirements set forth in subsections (a)

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and (b) of this Section.

2) OBRE may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of completion, transcript, etc.). It is the responsibility of each renewal applicant as proof of CE completed.

3) When during an audit or compliance review, OBRE determines that a licensee may be deficient in complying with CE requirements, OBRE will notify the licensee, and the sponsoring broker of the licensee, by certified or registered mail, return receipt requested, or other signature restricted delivery service, of the possible deficiency. The licensee shall have 60 days from the date the deficiency notification is received to submit to OBRE evidence of compliance with CE requirements.

A) If satisfactory evidence of compliance with CE requirement (as set forth in subsection (c)(2) of this Section) is submitted, OBRE shall notify the licensee by first class mail, that the licensee is in compliance.

B) If the licensee has certified compliance with CE requirements on the licensee's most recent renewal application pursuant to subsection (c)(1) of this Section but cannot submit evidence of having been in compliance on the date the licensee made the certification, the licensee may during the 60 days notice period submit evidence of having attained compliance with CE requirements after the date the certification was made. The submission of evidence of post-certification completion must be accompanied by a non-refundable administrative fee of \$25 per course credit hour completed after the date the licensee originally certified compliance. The submission of evidence will not be reviewed or considered if the proper fee does not accompany the submission. Upon submission of the evidence and appropriate fee, the evidence will be reviewed. If the evidence is found to be satisfactory, OBRE shall notify the licensee and the sponsoring broker of the licensee that the licensee is in compliance. Any credit hours submitted for post-certification course completion and found satisfactory may not be used as credit for the next renewal requirements.

C) If the licensee fails to submit within the 60 day notice period satisfactory evidence of compliance with CE requirements, the failure shall be evidence of a violation of Section 20-20(a) of the Act regarding false or fraudulent representation to obtain a license and the continuing education requirements of Article 5 of the Act. OBRE shall send notice pursuant to Section 20-60 of the Act indicating the commencement of disciplinary proceedings. A copy of this notice shall be sent to the sponsoring broker of the licensee.

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Section 1450.120 Rental Finding Services

a) Definition -- Application.

1) A rental finding service is any business which finds, attempts to find, or offers to find, for any person who pays or is obligated to pay a fee or other valuable consideration, a unit of rental real estate or a lessee to occupy a unit of rental real estate, not owned or leased by the business.

2) Any person, corporation, limited liability company, partnership, or limited partnership which operates a rental finding service shall be considered a broker or salesperson as defined in the Act, shall obtain a license pursuant to the Act, and shall comply with the provisions of this Section.

3) The provisions of this Section shall not apply to those exempted under Section 5-20 of the Act.

b) Contract. A rental finding service shall, prior to accepting a fee or other valuable consideration for the services, enter into a written contract with the person for whom such services are to be performed and deliver to the individual a copy of the contract. The contract shall include in the case of a rental finding service which finds, offers, or attempts to find a unit of rental real estate for an individual, at a minimum, the following provisions:

1) The term of the contract;

2) The total amount to be paid for the services to be performed and a clear designation of the amount paid in advance of the performance of the services;

3) A statement regarding the refund or nonrefund of the fee paid in advance, which shall include:

A) the precise conditions, if any, upon which a refund is based;

B) the fact that the conditions shall occur within 90 days from the date of the contract;

C) the fact that the refund shall be paid no later than 10 days after demand, provided the check has been honored;

4) The statements required by subsection (b)(3) above shall be uniform in type of a size larger than that used for the balance of the contract;

5) The type of rental unit desired, the geographical area requested, and the rent the prospective tenant is willing to pay;

6) A detailed statement of rental finding services to be performed by the licensee, which services shall include, at a minimum, the delivery to the prospective tenant of all rental information as listed in subsection (c) below;

7) A statement that the contract shall be null and void if information concerning possible rental units or locations furnished by the licensee is not current or accurate with respect to the type of rental unit desired and described in subsection (b)(5) above. A listing for a rental unit which has not been

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available for rent for over two days shall be prima facie proof of not being current;

8) A statement that information furnished by the licensee concerning possible rental units may be up to 2 days old;

9) A statement requiring the licensee to refund all fees paid in connection with the contract if the contract is null and void for any reason. The licensee shall not impose any condition for the refund and the contract shall state when the refund will be paid.

c) Disclosure. Pursuant to subsection (b)(6) above, the following written information for each rental unit shall be provided to the person with whom the contract is entered into:

- 1) The name, address, and the telephone number of the owner of each rental unit, or his authorized agent;
 - 2) A description of the rental unit;
 - 3) The amount of rent requested;
 - 4) The amount of security deposit required;
 - 5) A statement describing utilities which are located in the rental unit and included in the rent;
 - 6) The occupancy date and the term of lease;
 - 7) A statement setting forth the source of the rental information (i.e., owner, agent);
 - 8) All other information which may reasonably be expected to be of concern to the prospective tenant.
- d) Permission of Owner. A rental finding service shall not list or advertise any rental unit without the express written authority of the owner or agent of each unit.

SUBPART D: COMPENSATION AND BUSINESS PRACTICES

Section 1450.125 Managing Broker Responsibilities

- a) The sponsoring broker shall inform OBRE in writing of the name and certificate number of all managing brokers employed by the sponsoring broker and the office or branch offices each managing broker is responsible for managing. Each managing broker shall have an active license as a broker.
- b) The sponsoring broker shall be responsible for issuing sponsor cards. However, the sponsoring broker may delegate that responsibility to one or more managing brokers.
- c) Upon written request within 15 days after the loss of a managing broker, OBRE shall issue a written authorization to allow the continuing operation of a licensed office or branch office, provided that the sponsoring broker or representative under a duly executed power of attorney assumes responsibility, in writing, for the operation of the office and agrees to personally supervise the operations. No authorization shall be valid for more than 60 days unless extended by OBRE for good cause and upon written request by the

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sponsoring broker. Good cause includes circumstances as sales under contract pending closing, loss of livelihood for sales associates, and undue hardship caused to sellers.

d) When a managing broker receives a renewal application from OBRE for a licensee supervised by the managing broker or employed by the sponsoring broker of the manager, he shall notify the licensee of the receipt, personally within 7 days or by certified or registered mail or other signature restricted delivery service within 10 days. The notice shall also inform the licensee that any unprocessed renewal form will be returned to OBRE by the managing broker. When a managing broker receives a renewal application from OBRE for a licensee not supervised by the managing broker or employed by the sponsoring broker of the managing broker, the renewal form shall immediately be returned to OBRE.

e) All managing brokers shall notify OBRE on business letterhead of any change of business address of the offices they manage within 24 hours of any change. Change of address is required for all offices and branch offices. A licensee returned to OBRE for the reason described in this subsection shall remain in good standing until the new licenses are issued and in the possession of the licensee.

f) OBRE will honor the Order of a court of competent jurisdiction appointing a legal representative for the sole purpose of closing out the affairs of a deceased broker or a broker who has been adjudicated disabled, who was a sole proprietor, until the real estate brokerage is closed but not to actively engage in the brokerage business as defined in Section 1-10 of the Act.

Section 1450.130 Supervision

a) A managing broker shall exercise reasonable supervision over the activities of licensees and unlicensed assistants working in those offices managed by the managing broker. This would include:

- 1) the implementation of office policies and procedures established by the sponsoring broker;
 - 2) training of licensees or unlicensed assistants;
 - 3) assisting licensees as necessary in real estate transactions;
 - 4) supervising those special (escrow) accounts over which the sponsoring broker has delegated responsibility to the managing broker in order to ensure compliance with the special (escrow) account provisions of the Act and this Part;
 - 5) supervising all advertising of any service for which a license is required;
 - 6) familiarizing sponsored licensees with the requirements of federal and state laws relating to the practice of real estate; and
 - 7) compliance with this Part for licensees and offices under his/her supervision.
- b) The sponsoring broker shall remain ultimately responsible for

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compliance with this Part. The sponsoring broker shall name a managing broker for every office.

Section 1450.135 Discrimination

- a) No licensee shall enter into a listing agreement which prohibits the sale or rental of real estate to any person because of race, color, religion, national origin, sex, ancestry, age, marital status, physical or mental handicap, familial status, or any other class protected by Article 3 of the Illinois Human Rights Act [775 ILCS 5].
- b) No licensee shall act or undertake to act as a real estate broker or real estate salesperson with respect to any property the disposition of which is prohibited to any person because of race, color, religion, national origin, sex, ancestry, age, marital status, physical or mental handicap, familial status, or any other class protected by Article 3 of the Illinois Human Rights Act.

Section 1450.140 Advertising

- a) Deceptive and misleading advertising includes, but is not limited to, the following:
 - 1) advertising a property that is subject to an exclusive listing agreement with a sponsoring broker other than the licensee's own without the permission of and identifying that listing broker; and
 - 2) failing to remove advertising of a listed property within a reasonable time, given the nature of the advertising, after the earlier of the closing of a sale on the listed property or the expiration or termination of the listing agreement.
- b) For the purposes of this Section and Section 1450.145 on Internet Advertising, listing information available on a sponsoring broker's or licensee's website, extranet or similar site but behind a firewall or similar device requiring a password, registration or other type of security clearance to access that information shall not be considered advertising.
- c) For the purposes of this Section and Section 1450.145 on Internet Advertising, unsolicited marketing of a licensee's real estate brokerage services and farming (prospecting) shall be considered advertising.

Section 1450.145 Internet Advertising

- a) Definitions. For the purposes of this Section, these terms shall be defined as follows:
 - 1) Advertising or marketing real property: An Internet site which consists of information regarding properties which have been listed with a real estate brokerage company, the identity of that real estate brokerage company or licensee for each property and

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- information related to those properties.
 - 2) Advertising or marketing of real estate brokerage services: An Internet site which includes an offer or solicitation to provide services related to marketing or identifying real property for sale or lease.
 - 3) Page: Each html document. This can include several screens of information that are viewed by scrolling down to the end of the document.
 - 4) Frame: This refers to that portion of the Web page that does not change when the user links to a different site or moves to different pages.
 - 5) Scraping: This term refers to using or altering existing listing information or keywords that are copied from one Internet site and posted or displayed for the benefit of the general public in front of a firewall at another site without written or electronic authorization and disclosure of ownership.
 - b) A sponsoring broker which has authorized advertising or marketing real property must include on the page on which the company or firm's advertisement or marketing appears the following data:
 - 1) the city or geographic area in which the property being advertised or marketed is located;
 - 2) the company's name as registered with OBRE or the assumed name it has registered with OBRE (commonly recognized abbreviations are permitted);
 - 3) if the sponsoring broker does not hold a real estate brokerage license for the jurisdiction in which the property is located, the regulatory jurisdictions in which the sponsoring broker does hold a real estate brokerage license; and
 - 4) if this information is contained on the frame on the sponsoring broker's site, it does not have to be included on every page of the site.
 - c) A sponsoring broker advertising or marketing real estate brokerage services must include on the company's home page or on a clearly identified link appearing on that page the following data:
 - 1) the company or firm's name as registered with OBRE or the assumed name as it has registered with OBRE (commonly recognized abbreviations are permitted); and
 - 2) the city and state in which the company's principal office is located.
- If this information is contained on the frame on the sponsoring broker's site, it does not have to be included on every page of the site.
- d) Any licensee who has authorized advertising or marketing real property must include on the page of the site on which the licensee's advertisement or information appears the following data:
 - 1) the licensee's name;
 - 2) the city or geographic area in which the property being advertised or marketed is located;

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- 3) the name of the company with which the licensee is affiliated as that company name is registered with OBRE or the assumed name it has registered with OBRE (commonly recognized abbreviations are permitted);
 - 4) if the licensee does not hold a real estate broker or salesperson license for the jurisdiction in which the property is located, the regulatory jurisdictions in which the licensee does hold a real estate broker or salesperson license; and
 - 5) if this information is contained on the frame on the licensee's site, it does not have to be included on every page of the site.
- e) A licensee advertising or marketing real estate brokerage services must include on his or her home page the following data:
- 1) the licensee's name;
 - 2) the name of the company with which the licensee is affiliated as that company name is registered with OBRE or the assumed name it has registered with OBRE (commonly recognized abbreviations are permitted); and
 - 3) the city and state in which the licensee's office is located.
- If this information is contained on the frame on the licensee's site, it does not have to be included on every page of the site.

f) A sponsoring broker using e-commerce or electronic communications, such as e-mail, e-mail discussion groups and bulletin boards for marketing or transactional purposes, must include on the first or last page of all communications the following data:

- 1) the company or firm's name as registered with OBRE or the assumed name it has registered with OBRE (commonly recognized abbreviations are permitted); and
- 2) the city and state in which the sponsoring broker's main office or the office from which the communication originated is located.

This subsection shall not apply to communications between a sponsoring broker and a member of the public provided that the member of the public has sent a communication to the licensed company and that the sponsoring broker's initial communication contained the information required in this subsection (f).

g) Any licensee using e-commerce or electronic communications, such as e-mail, e-mail discussion groups, and bulletin boards, for marketing or transactional purposes, must include on the first or last page of all communications the following data:

- 1) the licensee's name;
- 2) the name of the company with which the licensee is affiliated as that company name is registered with OBRE (commonly recognized abbreviations are permitted); and
- 3) the city and state in which the licensee's office is located.

This subsection shall not apply to communications between a licensee and a member of the public provided that the member of the public has sent a communication to the licensee and that the licensee's initial communication contained the information required above in this subsection (g).

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- h) It will be considered to be a violation of the Act and this Part if a licensee or sponsoring broker scrapes, as defined in this Section, listing information from another site. Listing information obtained from another Internet site and placed behind a firewall or other device which is password protected or requires registration by the consumer in order to access that information need not identify the original listing broker.
- i) A sponsoring broker or licensee may link to listing information from another Internet site without approval unless the owner of the site linked to specifically requires consent. Any link must be done in a way that does not mislead or deceive the public as to the ownership of any listing information.
- j) All licensees, including sponsoring brokers, shall periodically review the advertising and marketing information on their site and update as necessary to assure that the information is current and not misleading.

Section 1450.150 Office Identification Signs

- a) An identification sign on the outside of an office shall be of a size and nature that they will be reasonably readable by the public. Listings within building directories fulfill the requirements of this Section.
- b) Office identification signs must be professional in appearance and meet all applicable zoning restrictions and applicable restrictive covenants.
- c) The identification sign must be plainly visible from an area accessible to the public.

Section 1450.155 Display of Licenses

The original licenses of all licensees must be displayed in the office in which they primarily work and in a manner that they will be visible and physically accessible to the public. "Accessible" areas may include, but are not limited to:

- a) the wall of a public waiting or reception area; or
 - b) the wall of a main hallway the public can frequently walk through.
- Managing brokers assigned to manage more than one office shall display copies of their license in those offices they manage but which are not the primary office out of which the manager works.

Section 1450.160 Employment Agreements

Every sponsoring broker shall have a written employment agreement with every licensee they sponsor. This agreement shall be dated and signed by the parties. The agreement shall include, at a minimum, the employment or independent contractor relationship terms, including but not limited to, supervision, duties, compensation, duration, and termination. The employing broker shall

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give to every employee and independent contractor a copy of the employment agreement and any modifications.

Section 1450.165 Unlicensed Assistants

- a) Licensees under the Act may employ, or otherwise utilize the services of, unlicensed assistants to assist them with administrative, clerical, or personal activities for which a license under the Act is not required.
- b) An unlicensed assistant, on behalf of and under the direction of a licensee, may engage in the following administrative, clerical, or personal activities without being in violation of the licensing requirements of the Act. The following list is intended to be illustrative and declarative of the Act and is not intended to increase or decrease the scope of activities for which a license is required under the Act. An unlicensed assistant of a licensee may:
 - 1) answer the telephone, take messages, and forward calls to a licensee;
 - 2) submit listings and changes to a multiple listing service;
 - 3) follow up on a transaction after a contract has been signed;
 - 4) assemble documents for a closing;
 - 5) secure public information from a courthouse, sewer district, water district, or other repository of public information;
 - 6) have keys made for a company listing;
 - 7) draft advertising copy and promotional materials for approval by a licensee;
 - 8) place advertising;
 - 9) record and deposit earnest money, security deposits, and rents;
 - 10) complete contract forms with business and factual information at the direction of and with approval by a licensee;
 - 11) monitor licenses and personnel files;
 - 12) compute commission checks and perform bookkeeping activities;
 - 13) place signs on property;
 - 14) order items of routine repair as directed by a licensee;
 - 15) prepare and distribute flyers and promotional information under the direction of and with approval by a licensee;
 - 16) act as a courier to deliver documents, pick up keys, etc.;
 - 17) place routine telephone calls on late rent payments;
 - 18) schedule appointments for the licensee (this does not include making phone calls, telemarketing, or performing other activities to solicit business on behalf of the licensee);
 - 19) respond to questions by quoting directly from published information;
 - 20) sit at a property for a broker tour which is not open to the public;
 - 21) gather feedback on showings;
 - 22) perform maintenance, engineering, operations or other building trades work and answer questions about such work;

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- 23) provide security;
- 24) provide concierge services and other similar amenities to existing tenants;
- 25) manage or supervise maintenance, engineering, operations, building trades and security; and
- 26) perform other administrative, clerical, and personal activities for which a license under the Act is not required.
- c) An unlicensed assistant of a licensee may not perform the following activities for which a license under the Act is required. The following list is intended to be illustrative and declarative of the Act and is not intended to increase or decrease the scope of activities for which a license is required under the Act. An unlicensed assistant of a licensee may not:
 - 1) host open houses, kiosks, or home show booths or fairs;
 - 2) show property;
 - 3) interpret information on listings, titles, financing, contracts, closings, or other information relating to a transaction;
 - 4) explain or interpret a contract, listing, lease agreement, or other real estate document with anyone outside the licensee's company;
 - 5) negotiate or agree to any commission, commission split, management fee, or referral fee on behalf of a licensee; or
 - 6) perform any other activity for which a license under the Act is required.
- d) Any licensee who employs an unlicensed assistant shall be responsible for the actions of the unlicensed assistant taken while under the supervision of or at the direction of the licensee.
- e) Any licensee who is responsible for the actions of an unlicensed assistant by statute, regulation, contract, or office policy and who permits, aids, assists, or allows an unlicensed assistant to perform any activity for which a license under the Act is required shall be in violation of the Act.
- f) Stenographic, clerical, maintenance, engineering, building trades, security, or office personnel not directly engaged in the practice of real estate brokerage as defined in Section 1-10 of the Act are not required to be licensed.

Section 1450.170 Corporation for Indirect Payment

- a) Every sponsored licensee who forms a corporation pursuant to Section 10-20(e) of the Act, for the purpose of receiving the sponsored licensee's compensation, shall file with the Licensing Section of DBRE a copy of the certificate of incorporation issued by the Secretary of State.
- b) A corporation formed pursuant to Section 10-20(e) of the Act may only receive compensation earned by the licensee. The corporation may not be licensed under the Act and shall not be used by the licensee to perform real estate activities, sponsor, employ or associate itself

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with other licensees, hold itself out to the public, or advertise to the public under the corporation's name.

- c) A corporation formed pursuant to Section 10-20(e) of the Act may receive compensation earned by the licensee arising out of activities unrelated to the practice of real estate.

Section 1450.175 Special Accounts

- a) Escrow Moneys Defined.

1) "Escrow moneys" means all moneys, promissory notes or any other type or manner of legal tender or financial consideration deposited with any person for the benefit of the parties to the transaction. A transaction exists once an accepted real estate contract is signed or lease agreed to by the parties. Escrow moneys include without limitation earnest moneys and security deposits, except those security deposits in which the person holding the security deposit is also the sole owner of the property being leased or sold and for which the security deposit is being held.

2) Pursuant to the terms of a written agreement between a licensee and a client, such as a property management agreement, rent moneys paid to a licensee for transmittal to the licensee's client (e.g., the owner) shall not be considered to be "escrow moneys". In addition, other moneys held in a custodial account by a licensee for transmittal to licensee's client, pursuant to the terms of a written agreement, such as a contract for deed, shall not be subject to these escrow rules.

3) Earnest money constitutes escrow moneys whether in the form of personal checks, cashier's checks, money orders, cash, or any other forms of legal tender.

b) Escrow Accounts. Pursuant to Section 20-20(h)(8) of the Act, sponsoring brokers who accept escrow moneys shall maintain and deposit in a special account (hereinafter referred to as an escrow account), separate and apart from personal or other business accounts, all escrow moneys entrusted to them while acting as the real estate brokers, escrow agents, or as the temporary custodians of the funds of others.

1) Such escrow account shall be non-interest bearing, unless the character of the deposit is such that payment of interest thereon is otherwise required by law or unless the principals to the transaction specifically require, in writing, that the deposit be placed in an interest bearing account.

2) If an interest bearing account is required, the recipient of the interest shall be specifically indicated, in writing, by the principals of the transaction.

3) A sponsoring broker may maintain more than one escrow account.

4) An escrow account need not be maintained by a sponsoring broker who does not receive escrow moneys entrusted to him or her while

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acting as a real estate broker, or as escrow agent, or as temporary custodian of the funds of others.

5) Every escrow account, whether interest bearing or non-interest bearing, shall be maintained at a federally insured depository.

6) Commingling prohibited. Each sponsoring broker shall deposit only escrow moneys received in connection with any real estate transaction in an escrow account. The sponsoring broker shall not deposit personal funds in an escrow account, except he or she may deposit from his or her own personal funds, and keep in any escrow account, an amount sufficient to avoid incurring service charges relating to the escrow account. The sum shall be specifically documented as being for service charges and the sponsoring broker shall have proof available that the amount of his or her own funds in the escrow account does not exceed the minimum amount required by the depository to maintain the account without incurring service charges. Transfer of funds as provided for in subsection(1)(4) of this Section shall not constitute commingling.

c) The sponsoring broker shall provide a receipt to the payor of any cash constituting escrow funds and shall retain a copy of the receipt.

d) Time of Deposit of Escrow Moneys. All escrow moneys accepted by a sponsoring broker shall be placed in the sponsoring broker's escrow account not later than the next business day following the transaction. A transaction exists once an accepted real estate contract is signed or lease agreed to by the parties. If such funds are received on a day prior to a bank holiday or any other day on which the bank or savings and loan association is closed, such funds shall then be deposited on the next business day upon which the depository is open.

e) A sponsoring broker serving as escrow agent shall notify all principals in writing if a principal fails to tender escrow moneys, when a principal's payment as escrow moneys is dishonored by the financial institution on which it was drawn, or when there appears on the face of the governing contract to be a deficiency in the amount on deposit.

f) Maintenance of Escrow Moneys on Deposit in Escrow Account. The sponsoring broker shall keep all escrow moneys on deposit in an escrow account until a transaction is consummated or terminated, except to the extent that such escrow moneys, or any part thereof, shall be disbursed according to the provisions set forth in subsection (g).

g) Disbursement of Escrow Moneys. Pursuant to Section 20-20(h)(8) of the Act, the sponsoring broker shall disburse escrow moneys according to the following requirements, however, a sponsoring broker may not disburse funds until they have been honored by the payor's depository.

1) The sponsoring broker must disburse escrow moneys upon consummation or termination of the transaction. Such disbursement must be according to the terms of the contract and must be made not earlier than the day the transaction is

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consummated or terminated and not later than the next business day following the sponsoring broker's receipt of notice of the consummation or termination, or otherwise in accordance with the written direction of all principals to the transaction.

A) Commissions and/or fees earned by a sponsoring broker in any transaction shall be disbursed by that broker from the funds deposited in an escrow account no earlier than the day the transaction is consummated or terminated and not later than the next business day after the transaction is consummated or terminated, or otherwise in accordance with the written direction of all principals to the transaction.

B) Authorized disbursements are those which are made on behalf of, and at the written direction of, all principals to the transaction.

C) A sponsoring broker shall not withhold, for any period of time, an authorized disbursement of escrow moneys due to any claim for a commission or compensation to any licensee.

2) Pursuant to Section 20-20(h)(8)(i) of the Act, if prior to the consummation or termination of the transaction, the sponsoring broker receives written direction from all of the principals to the transaction or their duly authorized agents agreeing to a disbursement of the escrow moneys, that broker must disburse the escrow moneys according to the written directions. Such disbursement must be made not later than the next business day following the sponsoring broker's receipt of the last required written direction.

3) The sponsoring broker may release escrow moneys pursuant to Section 20-20(h)(8)(ii) of the Act which allows a sponsoring broker to disburse escrow moneys prior to the consummation or termination of the transaction in accordance with directions providing for the release, payment, or distribution of escrow moneys contained in any written contract signed by the principals to the transaction or their duly authorized agents. In any such case the terms of the contract concerning the release of the escrow moneys shall be adhered to by the sponsoring broker.

4) Pursuant to Section 20-20(h)(8)(iii) of the Act and notwithstanding any other requirements or responsibilities in this Part, if the sponsoring broker receives an order from a court of competent jurisdiction providing for the disbursement of the escrow moneys, that broker must disburse the escrow moneys according to the terms of the order.

h) Disputes Regarding Escrow Moneys. In the event of a dispute over the return or forfeiture of any escrow moneys held by the sponsoring broker or if a sponsoring broker has knowledge that any party to a transaction contests or disagrees with an anticipated disbursement of escrow moneys held by that broker, he or she shall continue to hold the deposit in his or her escrow account:

1) until he or she has a written release from all parties or their

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duly authorized agents consenting to the disposition, in which case the escrow moneys must be disbursed according to the terms of the written direction no later than the next business day after the sponsoring broker's receipt of the last required written release;

2) until a civil action is filed, by either the sponsoring broker or one of the parties, to determine its disposition, at which time payment may be made into court;

3) until the funds are turned over to the State Treasurer or such other appropriate State agency or officer designated pursuant to the Act or the Uniform Disposition of Unclaimed Property Act [765 ILCS 1025], because of inactivity of the account or inability to locate the parties, or inability of the parties to reach a resolution.

If an interpleader action is filed by the sponsoring broker, and the broker is authorized by real estate contract to withdraw from the escrow account those amounts as may be necessary to reimburse the sponsoring broker for costs and reasonable attorney's fees associated with that action, excluding costs and attorney's fees associated with that broker's attempt to collect a commission or fee.

i) Escrow Records. Each sponsoring broker who accepts earnest money shall maintain, in his or her office or place of business, a bookkeeping system in accordance with sound accounting principles, and without limiting the foregoing, such system shall consist of at least the following escrow records as further described below:

1) Journal. A journal shall be maintained for each escrow account. Such journal shall show the chronological sequence in which funds are received and disbursed by the sponsoring broker.

A) For funds received, such journal shall include the date, the name of the party who delivers such funds to the sponsoring broker, the name of the person on whose behalf such funds are delivered to that broker and the amount of such funds so delivered.

B) For fund disbursement, such journal shall include the date, the payee, the check number and the amount disbursed.

C) A running balance shall be shown after each entry (receipt or disbursement).

2) Ledger. A ledger shall be maintained for each transaction. The ledger shall show the receipt and the disbursement of funds affecting a single particular transaction such as between buyer and seller, or landlord and tenant, or the respective parties to any other relationship. The ledger shall include the names of all parties to a transaction, the amount of such funds received by the sponsoring broker and the date of such receipt. The ledger shall show, in connection with the disbursements of such funds, the date thereof, the payee, the check number and the amount disbursed. The ledger shall segregate one transaction from another transaction. There shall be a separate ledger or

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separate section of each ledger, as the broker shall elect, for each of the various kinds of real estate transactions (e.g., lease). If the ledger is computer generated from the same data entry from which the journal is generated, the sponsoring broker must maintain copies of the bank deposit slips, bank disbursements slips, or other bank receipts, to account for the data on the ledger.

- 3) Monthly Reconciliation Statement. Each sponsoring broker shall reconcile, within ten days after receipt of the monthly bank statement, each escrow account maintained by such broker except where there has been no transactional activity during the previous month. Such reconciliation shall include a written work sheet comparing the balances as shown on the bank or savings and loan association statement, the journal and the ledger, respectively, in order to insure agreement between the escrow account and the journal and the ledger entries with respect to such escrow account. Each such reconciliation shall be kept for at least 5 years from the last day of the month covered by such reconciliation.
- 4) If escrow moneys are transferred from an escrow account to another account for disbursement, the sponsoring broker must maintain a copy of all records reflecting a disbursement from the other account.
- 5) Master Escrow Account Log. Each sponsoring broker shall maintain a Master Escrow Account Log identifying all escrow bank account numbers, and the name and address of the bank where the escrow accounts are located. The Master Escrow Account Log must specifically include all bank account numbers opened for individual transactions, even if such account numbers fall under another umbrella account number.
- 6) A sponsoring broker may employ a more sophisticated bookkeeping system based on sound accounting principles, including a system of electronic data processing equipment. However, any such system must contain or produce printed records containing the information required by this Section, although it need not be in the same format as provided for in this Section.
- 7) OBRE shall have available for distribution, on request, samples of an approved journal, ledger, monthly reconciliation statement, and Master Escrow Account Log.
- 8) Pursuant to Section 20-20(h)(9) of the Act, the sponsoring broker shall make available to the real estate enforcement personnel of the OBRE during normal business hours all escrow records and related documents maintained in connection with the practice of real estate within 24 hours after a request.
- 9) Copies of all Escrow Money Instruments. Except as otherwise provided by law, the broker shall retain copies of all escrow money instruments received from a principal as part of a transaction, including copies of all personal checks, cashier's

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checks, certified checks, money orders, promissory notes, or other financial instruments. The broker shall also retain copies and/or documentation of all disbursements or transfers into or out of an escrow account.

- 10) Escrow records shall be retained for 5 years. The escrow records for the immediate prior 2 years shall be maintained in the office location and the balance of the records can be maintained at another location.
- 11) If escrow records are lost, stolen, or destroyed due to fire, flood or any other circumstances, the broker must report such loss to the OBRE enforcement division within 30 days by signature restricted delivery. The broker must also immediately obtain copies of monthly bank statements, deposit and disbursement receipts, and any other available records, to reconstruct such loss of escrow records.
- 12) A sponsoring broker may delegate the bookkeeping duties under this Part to another person, including a managing broker, a bookkeeper, certified public accountant, unlicensed assistant, licensed assistant, or sponsored licensee. However, compliance with the bookkeeping duties remain the responsibility of the sponsoring broker. The sponsoring broker is ultimately responsible for the proper administration of the escrow account pursuant to this Part.
- j) Sponsored Licensees. Sponsoring brokers shall institute office policies to ensure that the sponsored licensees tender escrow moneys received in compliance with this Part. Sponsored licensees, whether salespersons, brokers, or leasing agents, may not maintain their own escrow accounts.
- k) Branch Offices. Branch offices may maintain escrow accounts in compliance with this Part or may transmit all escrow moneys received to the main office, but not to another branch office, for compliance with this Part.
 - 1) If the branch office does maintain escrow accounts, all of the requirements of this Part apply, including maintaining all required escrow records, and submitting to OBRE all required escrow forms.
 - 2) If the branch office does not maintain escrow accounts but instead transmits all escrow moneys received to the main office, all escrow moneys must be transmitted by the branch office to the main office not later than the next business day following the transaction. A transaction exists once an agreement has been reached and an accepted real estate contract signed or lease agreed to by the parties. Even if the branch office transmits all escrow moneys received to the main office, the branch office must maintain records showing the date the escrow moneys were transferred to the main office. The funds received at the main office from a branch office shall be placed in the sponsoring broker's escrow account not later than the next business day

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following receipt of such funds from the branch office.

- 1) Escrow Requirements for Property Management Activities. Security deposits shall be maintained in an escrow account for the duration of the lease, unless the tenant waives this requirement in writing. Such waiver, if included in the lease, shall appear in bold print.
- m) Notification to OBRE of Identity of Escrow Accounts. Consent to Audit All Accounts.

- 1) Each sponsoring broker shall, at the time of the original application for licensure and at the time of renewal of licensure, on forms provided by OBRE, file with OBRE the name of the banks, savings and loan associations, or other recognized depositories in which each escrow account is maintained, and the name of each account, and the names of the persons authorized to withdraw funds from such accounts, and shall, as a condition of licensure, consent on such form to the examination and audit of all escrow accounts, notwithstanding whether the account is identified on the form, by OBRE.

- 2) A new form shall be executed by the sponsoring broker and filed with OBRE within 10 days after the time of a change of depository, method of doing business, or persons authorized to make withdrawal. A new form shall also be executed each time a new escrow account is opened. However, a new form shall not be required each time a new escrow account is opened for an individual transaction and where such account falls under an umbrella account which has already been identified in a prior form. The identity of each of these individual escrow accounts, however, must be included in the Master Escrow Account Log pursuant to subsection (i)(5) of this Section.

- n) Violations. Any licensee who violates any of the provisions of this Part may be deemed to have endangered the public interest pursuant to Section 20(h)(12) of the Act and may be subject to a temporary suspension pursuant to Section 20-65 of the Act.

Section 1450.180 Record Keeping

- a) A sponsoring broker shall keep or cause to be kept, escrow records, transaction records, employment agreements, and records reflecting the payment of compensation, as further described in this Section.

- 1) Escrow records for each interest bearing and non-interest bearing escrow account or account into which escrow funds have been deposited. These records shall include:

- A) Journals as defined in Section 1450.175(i)(1).
- B) Monthly bank statements.
- C) Ledgers as defined in Section 1450.175(i)(2).
- D) Monthly reconciliations as defined in Section 1450.175(i)(3).
- E) Master Log of (Escrow) Accounts as defined in Section 1450.175(i)(5).

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These escrow records shall be maintained for 5 years. The broker shall ensure that the escrow records for the immediate prior 2 year period are maintained in the office location. All in office escrow records shall be made available for inspection and audit during normal business hours by OBRE staff no later than 24 hours after a request for escrow records and related documents. Any escrow records more than two years old and stored at a location other than the office shall be made available for inspection during normal business hours within 30 days after the request. Records relating to transactions shall be kept in the office involved in the transaction. These records might include copies of the following:

- 2)
 - A) Residential Property Transactions: Signed contracts, including offers and counteroffers, written release of escrow funds, Dual Agency Authorization, written direction for deposit into interest bearing special account, power of attorney, disclosures (e.g., lead paint, seller disclosure) and closing statements.
 - B) Property Management/Leasing: Any rental finding agreement, leases, periodic accounting or statement to the owner regarding the receipts and disbursements.
 - C) Commercial Representation: Tenant or owner representation agreement, letters of intent, leases, and any written modifications to an executed lease.

These lists are not intended to be all inclusive rather they are intended to be examples of pertinent documents to be retained. Any similar documents pertinent to a particular transaction shall also be retained. Any information contained on the outside of a transaction file shall be considered part of that file.

Transaction records shall be maintained for 5 years. The sponsoring broker shall ensure that any transaction records involving any active or pending transaction or representation, or any transaction in which escrow funds or monies belonging to others were received and have not yet been disbursed shall be maintained in the office location. All transaction records maintained at the office location shall be made available for inspection and audit during normal business hours by OBRE staff no later than 24 hours after a request for escrow records and related documents. Any transaction records stored at a location other than the office shall be made available for inspection during normal business hours within 30 days after the request. Sponsoring brokers may allow their sponsored licensees to maintain a duplicate of the transaction records.

- 3) Employment agreements, as required by Section 10-20 of the Act, shall be maintained for 5 years after the sponsored licensee is no longer affiliated with the sponsoring broker. The broker shall maintain the written employment agreement for every licensee who is employed by or affiliated with the sponsoring

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broker. A copy of the employment agreement for each sponsored licensee at a branch office shall be maintained at the respective branch office.

4) Records reflecting the payment of compensation for the performance of licensed activities shall be maintained for 5 years.

b) If the records are kept electronically, the sponsoring broker shall ensure that a back up is made. In the case of escrow records, the back up shall be made at least monthly. The monthly reconciliation, including its worksheet, shall be printed out and maintained by hard copy. The journal shall be reduced to hard copy at least monthly.

Section 1450.185 Disclosure of Compensation

Pursuant to Section 10-10(b) of the Act, a licensee shall disclose, in writing, any compensation the licensee expects to receive or that he knows the licensee's sponsoring broker will receive, arising out of a referral to any person or entity whose services are related to the transaction, including any financial institution, insurance broker, mortgage broker, home inspector, or any other third party. The disclosure shall indicate the relationship between the licensee or the licensee's sponsoring broker and the referred person, or entity and any interest the licensee or the licensee's sponsoring broker may have in the referred person or entity.

Section 1450.190 Disclosure of Licensee Status

A licensee is "selling, leasing or purchasing any interest," directly or indirectly, for purposes of Section 10-27 of the Act, when the licensee:

- a) is selling, leasing or seeking to purchase property as sole owner;
- b) is selling or seeking to purchase property as a joint tenant or tenant by the entirety;
- c) holds a beneficial interest in a land trust selling, leasing or seeking to purchase an interest in the subject property;
- d) is a general partner in a partnership selling, leasing or seeking to purchase an interest in the subject property;
- e) is an officer, director, majority or controlling shareholder of a corporation selling, leasing or seeking to purchase an interest in the subject property; or
- f) is a manager or majority or controlling member of a limited liability company selling, leasing or seeking to purchase an interest in the subject property.

Section 1450.195 Brokerage Agreements and Listing Agreements

a) All exclusive brokerage agreements, including all exclusive listing agreements and exclusive buyer brokerage agreements, shall be in writing.

b) All written buyer brokerage agreements, whether exclusive or

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non-exclusive, shall contain the following:

- 1) the agreed basis or amount of compensation, and time of payment;
- 2) the duration of the buyer brokerage agreement, clearly set forth;
- 3) the name of the broker and the buyer;
- 4) the signatures of the parties; and
- 5) the duties of the buyer's broker.

c) All written listing agreements, whether exclusive or non-exclusive, shall contain the following:

- 1) the list price;
- 2) the agreed basis or amount of commission and the time of payment of the commission;
- 3) the duration of the listing agreement with a definite termination date, clearly set forth;
- 4) the name of broker and seller;
- 5) the identification of property involved (address or legal description);
- 6) the signatures of the parties; and
- 7) the duties of the listing broker.

d) Pursuant to Section 10-25 of the Act, no licensee shall obtain any written brokerage agreement containing a clause automatically extending the period of the contract. Any written brokerage agreement not containing such a provision for automatic expiration shall be void.

e) Every written brokerage agreement shall expressly provide that no amendment or alteration to the terms, with respect to the amount of commission or with respect to the time of payment of commission, shall be valid or binding unless made in writing and signed by the parties.

f) No licensee shall use real estate contract forms to change previously agreed commission payment terms.

g) If a listing agreement provides that, in the event of a default by a buyer, the broker's full commission or fees will be paid out of an earnest money deposit, with the remainder of the earnest money to be paid to the seller, the provision shall appear in the listing agreement in letters larger than those generally used in the listing agreement.

h) Each brokerage agreement shall clearly state that it is illegal for either the owner or the broker to refuse to display or sell to any person because of one's membership in a protected class, e.g.: race, color, religion, national origin, sex, ancestry, age, marital status, physical or mental handicap, familial status, or any other class protected by Article 3 of the Illinois Human Rights Act.

i) Each brokerage agreement for a residential property of four units or less, which provides for a protection period subsequent to its termination date, shall also provide that no commission or fee will be due and owing pursuant to the terms of the brokerage agreement if, during the protection period, a valid, written brokerage agreement is entered into with another licensed real estate broker.

j) A broker may discuss a possible future brokerage agreement with a

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consumer whose property is exclusively listed with another broker or who is subject to a written exclusive buyer brokerage agreement only under the following conditions:

- 1) when the consumer initiates the contact; or
- 2) when the current broker upon request fails to provide within 10 calendar days the type and expiration date of the brokerage agreement between the consumer and the current broker. The request and response shall be in writing and mailed return receipt requested. If the above information is not received within 14 calendar days, the broker may then contact the consumer only if this information cannot be obtained from another source of shared broker information.

Section 1450.200 Written Agreements

- a) No licensee shall solicit, accept or execute any contract or other document relating to a real estate transaction which shall contain any blanks to be filled in after signing or initialing the contract or other document.
- b) No licensee shall make any addition to, deletion from or alteration of any signed contract or other document relating to a real estate transaction without the written, telefax or telegraphic consent or direction from all signatories. No licensee shall process any contract or other document that has been altered after being signed, unless each addition, deletion or alteration is signed or initialed by all signatories at the time of the addition, deletion or alteration.
- c) A true copy of the original or corrected contract or other document relating to a real estate transaction shall be hand delivered or mailed within 24 hours of the time of signing or initialing the original or correction to the person signing or initialing any the contract or other document.
- d) All forms used by licensees intended to become binding real estate contracts shall clearly state this in the heading in large bold type. No licensee shall use a form designated Offer to Purchase when it is intended that the form shall be a binding real estate contract.

Section 1450.205 Referral Fees and Affinity Relationships

- a) No licensee may pay a referral fee to an unlicensed persons who is not a principal to the transaction. In order to meet the license requirement, the person receiving the referral fee may be duly licensed as a real estate broker in either Illinois or another state.
- b) No licensee may request a referral fee unless reasonable cause for payment of the referral fee exists. Reasonable cause for payment of a referral fee means that:
 - 1) an actual introduction of a client has been made to a licensee; or
 - 2) a contractual referral fee relationship exists with the licensee.

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The fact that reasonable cause to demand a referral fee exists does not necessarily mean that a legal right to the referral fee exists.

- c) A licensee is prohibited from interfering with the agency relationship of another licensee or attempting to induce a client to break a listing or an exclusive representation agreement with another licensee for the purpose of replacing that agreement with a new listing or representation agreement in order to obtain a referral fee. For purposes of this Section, an agency relationship shall be deemed to exist when a written, exclusive agency agreement (either a listing or buyer representation agreement) is entered into. Interfering with the agency relationship of another licensee includes, but it not limited to:
 - 1) demanding a referral fee from another licensee without reasonable cause;
 - 2) threatening to take harmful action against the client of another licensee because of their existing agency relationship and in order to obtain a referral fee; or
 - 3) counseling the client of another licensee on how to terminate or amend an existing agency contract in order to obtain a referral fee.

Any activities that involve the communication of corporate relocation policies or benefits to a transferring employee, as long as that communication does not involve advice or encouragement on how to terminate or amend an existing agency contract shall not be considered interference.

SUBPART E: AGENCY RELATIONSHIPS

Section 1450.207 Confidentiality

Licensees in receipt of confidential information shall take reasonable steps to safeguard the information from unauthorized disclosure.

Section 1450.210 Failure to Disclose Information Not Affecting Physical Condition

No cause of action shall arise against a licensee for the failure to disclose:

- a) that an occupant of that property was afflicted with Human Immunodeficiency Virus (HIV) or any other medical condition;
- b) that the property was the site of an act or occurrence which had no effect on the physical condition of the property or its environment or the structures located thereon (Section 15-20 of the Act). Such acts shall include, but are not limited to, murder or suicide;
- c) fact situations on property that is not the subject of the transaction; or
- d) physical conditions located on property that is not the subject of the transaction that do not have a substantial adverse effect on the value of the real estate that is the subject of the transaction. This

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provision is intended to apply to actions taken by OBRE under the Act as well as to all civil actions in Illinois.

Section 1450.215 Licensee Serving as a Dual Agent in a Transaction Where a Licensee is a Party to the Transaction

A licensee may not serve as a dual agent in any transaction to which he or she or an entity in which he or she has an ownership interest is a party to the transaction.

SUBPART F: DISCIPLINE RULES AND PROCEDURES

Section 1450.220 Unprofessional Conduct

OBRE may suspend, revoke, or take other disciplinary action based upon its finding that the licensee or applicant has engaged in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public. The following descriptions are illustrative of the types of conduct which would constitute "dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public."

- a) Failure to act in the best interests of a client.
- b) Deliberately misleading a client as to the market value of the property.
- c) Failing to advertise the property as obligated by the listing agreement.
- d) Deliberately misrepresenting to prospective purchasers or their agents the condition of the property or the availability of access to show the property.
- e) Purchasing or transferring of the property through an intermediary in order to conceal the purchase by the licensee.
- f) Inducing a seller to list the property through false representations.
- g) Inducing a seller through false representations or false promises to transfer the property to the licensee.
- h) Taking unfair advantage of a client's or customer's age, disability, or lack of understanding of the English language.
- i) Engaging in conduct with the public or other real estate licensees in the practice of real estate in a manner that is abusive, harassing, or lewd.
- j) Representing oneself as a sponsoring broker or managing broker without providing the actual supervision and management of the real estate business.
- k) Failing to reasonably safeguard confidential information or improperly using confidential information.
- l) Obstructing an inspection, audit, investigation or a disciplinary proceeding by falsifying or willfully destroying a document which is required to be kept.
- 1) Any violation of Section 1450.175, Special Accounts, shall be deemed unprofessional conduct.

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- n) Assisting or inducing a licensee to violate the Act or this Part.

Section 1450.225 Suspension or Denial for Failure to Pay Taxes, Child Support or Any Illinois-Guaranteed Student Loan

- a) If OBRE receives certification that a licensee is in violation of Section 20-35, 20-40, or 20-45 of the Act, OBRE shall notify the licensee, by certified or registered mail, return receipt requested, or other signature restricted delivery, that the licensee will be suspended 90 days from the date of the notice, unless the licensee provides to OBRE certification that the licensee has eliminated the arrearage or has arranged for payment of the obligations in a manner satisfactory to the appropriate administering agency.
- b) If OBRE receives certification that an applicant is in violation of Section 20-35, 20-40, or 20-45 of the Act, OBRE shall notify such applicant, by certified or registered mail, return receipt requested, or other signature restricted delivery, of its intent to deny the applicant a license under the Act, unless the applicant provides to OBRE proof that the applicant has eliminated the arrearage or has arranged for payment of the obligations in a manner satisfactory to the appropriate administering agency.
- c) "Certification" shall be defined as:
 - 1) a verified statement by the licensee or applicant on an application or renewal form of such delinquency or failure to pay;
 - 2) a verified statement by the appropriate administering agency of such delinquency, failure to file, or failure to pay; or
 - 3) a finding by a court of competent jurisdiction that the licensee or applicant is delinquent in child support or is liable to pay a certain amount for Illinois taxes or an Illinois-guaranteed student loan obligation.
- d) A licensee or applicant may request a hearing, but the basis for the hearing shall only be for the purpose of proving that the petitioner is not the person for which such failure to pay or arrearage information was received, that the petitioner has executed a formal, written payment plan with the appropriate administering agency, signed by both parties, or that the petitioner has satisfied the outstanding debt, in its entirety.
- e) A license will be reinstated, renewed or issued upon a showing that the certified arrearage or delinquency had been satisfied.

Section 1450.230 Temporary Suspension

- a) The grounds for temporary suspension, as set forth in Section 20-65 of the Act, shall be based on evidence sufficient to cause OBRE to reasonably believe that the public interest, safety, or welfare imperatively requires emergency action. Emergency action is imperatively required when a licensee's conduct poses a threat that

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the public's or another licensee's money will be stolen or defalcated or that the continued licensure of a licensee will be a threat to the physical safety of the public or another licensee. When determining imminent harm, OBRE may consider any combination of acts committed by a licensee including, but not limited to:

- 1) Failure to account for or to remit any moneys or documents that belong to others, as set forth in Section 20-20(h)(7) of the Act;
 - 2) Failure to maintain and deposit in a special or escrow account, separate and apart from personal and other business accounts, all escrow moneys belonging to others entrusted to a licensee while acting as a real estate broker, escrow agent, or temporary custodian of the funds of others as set forth in Section 20-20(h)(8) of the Act;
 - 3) Failure to make available to real estate enforcement personnel of OBRE during normal business hours all escrow records and related documents within 24 hours after a request for those documents by OBRE personnel, as set forth in Section 20-20(h)(9) of the Act and Section 1450.180 of this Part; however, this action in and of itself shall not be sufficient grounds for a temporary suspension; and
 - 4) Commingling money or property of others with the licensee's own as set forth in Section 20-20(h)(13) of the Act.
- b) A petition for temporary suspension shall:
- 1) State the statutory basis for the action petitioned;
 - 2) Allege facts, supported by evidence or affidavit sufficient for temporary suspension;
 - 3) Be signed by the Director or the Director's designee; and
 - 4) Be presented to the Commissioner either in person or by telephone and in the presence of a court reporter.
- c) An order for temporary suspension shall:
- 1) Contain findings of fact sufficient to support imposition of a temporary suspension;
 - 2) Recite the statutory basis for the action;
 - 3) Appoint a hearing officer;
 - 4) Demand immediate surrender of the license; and
 - 5) Be signed by the Commissioner.
- d) A notice of temporary suspension shall accompany the order and shall:
- 1) Set a hearing date within 15 days after the date on which the order takes effect;
 - 2) Name the hearing officer who shall conduct the hearing; and
 - 3) Include a copy of OBRE's Practice in Administrative Hearings.

Section 1450.235 Otherwise Discipline

- a) "Discipline" means a refusal to issue or renew a license, probation, suspension, or revocation of a license, censure, reprimand, fine, or any other sanction explicitly provided for in the Act.
- b) In conjunction with any of the disciplines enumerated in the Act, OBRE

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may impose "other discipline" in order to maintain the standards of professional conduct, the competency of a licensee, and the protection of the public, which may include:

- 1) Restricting a licensee's access to escrow funds;
- 2) Requiring the successful completion of any approved real estate course, including courses for those licensees who would otherwise not be required to complete continuing education pursuant to Section 5-70 of the Act; or
- 3) Requiring the licensee to provide any report, record or document regarding real estate activity which OBRE may deem relevant and appropriate.

Section 1450.240 Dissolution: Effect of Suspension or Revocation of Sponsoring Brokers or Managing Brokers

- a) Suspension or revocation of sponsoring broker:

Upon the effective date of a temporary or otherwise suspension or revocation of the license of a sponsoring broker corporation, limited liability company, partnership, or sole proprietorship and their respective principal or sponsoring broker, unless an interim sponsoring broker or receiver is appointed by the real estate brokerage company or its representative and subject to approval by OBRE:

- 1) The licenses of all respective sponsored licensees are automatically inoperative. However, each broker may resume the practice of real estate only upon securing a properly completed 45 day sponsor card, signed either as a self sponsored broker or by another sponsoring broker. Each salesperson or leasing agent may resume the practice of real estate only upon securing a properly completed 45 day sponsor card signed by an active sponsoring broker.
- 2) All brokerage agreements with the sponsoring broker, including listing agreements, are deemed expired pursuant to Section 10-25 of the Act unless a new sponsoring broker is named within 7 business days. Unless a new sponsoring broker is named within 7 days the suspended or revoked sponsoring broker shall notify, in writing, all clients with whom the sponsoring broker has an active brokerage agreement, and advise that the brokerage agreement expired as of the date which is 7 business days after the suspension or revocation, and that the clients are legally authorized to enter into another brokerage agreement with any active broker.
- 3) Suspensions or revocations of a sponsoring broker shall not have an effect on the enforceability of any pending, executed real estate contracts.
 - A) the suspended or revoked sponsoring broker shall send a written notice to all clients with a pending, executed real estate contract explaining the suspensions or revocations,

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and that the suspensions or revocations shall not have an effect on the enforceability of the pending, executed real estate contracts. The notice shall also identify the name, address, and telephone number of the person in control of the escrow money. To the extent that the clients require additional real estate services, the notice shall provide that the clients may seek those services from another active broker.

B) a suspension or revocation shall not preclude the receipt of any commission or other compensation earned by the suspended or revoked sponsoring broker or other formerly sponsored licensee prior to the effective date of a suspension or revocation of the sponsoring broker.

b) Suspension or revocation of managing broker:

In the event of a suspension or revocation of a managing broker the offices and branch offices managed by that managing broker may resume the practice of real estate upon securing a replacement managing broker. Consistent with Section 5-45(e) of the Act, if a replacement managing broker is unable to be secured immediately after a suspension or revocation of the managing broker, the entity may continue to practice real estate for the first 15 days after the suspension or revocation. If, after 15 days, a replacement managing broker has not been secured, the office may only continue to practice real estate upon securing the written authorization of OBRE as provided for in Section 5-45(e) of the Act.

c) In the event of the voluntary retirement or the voluntary dissolution of a sponsoring broker, the sponsoring broker shall, at a reasonable time prior to the voluntary retirement or voluntary dissolution, provide written notice to all sponsored licensees to allow the sponsored licensees to secure new sponsoring brokers, and shall provide written notice to all active clients to allow the clients to secure brokerage agreements with new brokers.

Section 1450.245 Inspections and Audits

a) Inspections. OBRE is authorized to inspect those areas of a sponsoring broker's office open and generally available to the public at any time during normal business hours with or without the sponsoring broker's consent. With the sponsoring or responsible managing broker's consent or, if no consent is given, then upon 24 hours' notice OBRE may conduct a visual and physical inspection of the non-public areas of a sponsoring broker's office and interview any person, including any licensee or non-licensee, who may have knowledge or information about the licensee's practice of real estate. The licensee may have an attorney present if he or she so chooses. Except as provided in subsection (b), upon any written or oral request by OBRE personnel for written documentation, a licensee shall produce the requested documentation within 30 days after the request.

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b) Escrow Audits. OBRE is authorized to audit special accounts, escrow records and documents related to any escrow accounts maintained by the licensee. Escrow Audits may be conducted at any time with the sponsoring broker's consent or without consent during normal business hours with at least 24 hours' notice and the ability for the licensee to have an attorney present if he or she so chooses. Escrow Audits may include:

- 1) A review and examination of all required, original escrow records as set forth in this Part.
- 2) A review and examination of any document, including originals, related to a licensee's escrow accounts.
- 3) Interviews of any person, including any licensee or non-licensee, who may have knowledge or information about the licensee's practices for maintaining and administering his or her escrow accounts.

Upon any written or oral request by OBRE personnel for an Escrow Audit, a licensee shall make available during normal business hours any and all requested escrow records and related documents within 24 hours after the request. If those documents are not required to be kept on site, they shall be provided within 30 days after the request. Subject to Section 20-20(h)(9) and (18) of the Act, OBRE is authorized to obtain a licensee's original records for the purposes of inspection, audit, and reproduction. OBRE shall promptly return all original documents or records to the licensee.

Section 1450.250 Case File Review Committee

- a) The Real Estate Case File Review Committee of the Real Estate Administration and Disciplinary Board, authorized by Sections 20-60(c) and 25-10 and 25-15(4) of the Act, shall be composed of at least 2 voting members of the Real Estate Administration and Disciplinary Board as appointed by the Director with approval of the Board, the Director, an Investigation Supervisor and Chief of Prosecutions.
- b) The Case File Review Committee shall meet at least once every 2 months to exercise its functions and duties as set forth in subsection (c) below. The Case File Review Committee members may take the actions listed below without meeting in person, but through other communication. The Case File Review Committee may meet concurrently with members of the regulatory staff or Board members of related professions, including, but not limited to Auctioneers, Land Sales, Time Share, Appraisal, Mortgage Brokers to discuss interrelated professional matters. The Case File Review Committee shall make every effort to consider expeditiously and take prompt action on each item on its agenda.
- c) A "complaint" means the initial claim or allegation made against a licensee which results in a preliminary investigation to determine whether or not a formal complaint shall be brought. "Case file" means a complaint has been made against a licensee that resulted in a

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preliminary inquiry and information has been sought pursuant to the Act and this part in order to determine whether a formal complaint should be initiated and/or prosecution pursued.

d) The Case File Review Committee shall have the following duties and functions:

- 1) Shall recommend whether a case file be closed or refer the case file to Prosecutions for further review and action.
- 2) May recommend that an Administrative Warning Letter be issued, with or without a compliance agreement that may include an administrative fee pursuant to Section 1450.95(h)(11), and the case file closed. A case file may be closed without an Administrative Warning Letter if the Case File Review Committee deems it appropriate.

3) May recommend that cases of similar types of allegations be offered a standard disposition within a range recommended by the Board. A recommendation of an offer of standard disposition shall not restrict the Board from hearing an individual case at a hearing and issuing a recommendation based upon the individual facts and evidence in rebuttal, mitigation or aggravation in the individual matter.

4) May expedite a case file to Prosecutions if, in the opinion of the Director, Investigation Supervisor, or Chief of Prosecutions, the matter requires immediate attention. Case files requiring immediate attention may include, but are not limited to: conduct involving fraud, dishonesty, embezzlement, or unlicensed practice; actual or imminent harm or injury to a member of the public; reports of an escrow account shortage or discrepancies; or, refusal to provide escrow account records or related documents within the required time period.

5) Shall report a summary of the actions of the Case File Review Committee at each Board meeting.

e) In determining what action to take or whether to proceed with a formal complaint, investigation and prosecution of a case file, the Case File Review Committee shall consider factors including, but not limited to:

- 1) the effect on the public's health, safety and welfare;
- 2) any indication of fraud;
- 3) commingling or embezzlement;
- 4) evidence of escrow account shortages or discrepancies;
- 5) refusal to provide escrow account records or related documents within the required time period; or
- 6) prosecutorial merit.

f) Disqualification of a Case File Review Committee member:

- 1) A Case File Review Committee member shall be recused from consideration of a case file when a conflict of interest or prejudice would prevent that Committee member from being fair and impartial.

2) Participation in the initial stages of the handling of a case

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file, including participation on the Case File Review Committee and in informal conferences, shall not bar a Case File Review Committee member from later participating in decision making relating to that case file as a formal complaint or prosecution. The Meetings of the Case File Review Committee are an exception to the Open Meetings Act and shall be closed to the public, in accordance with 5 ILCS 120/2(c)(15).

Section 1450.255 Hearings

All disciplinary hearings brought before the Board under Article 20 of the Act shall be conducted in accordance with the Rules of Practice in Administrative Hearings as provided for in 68 Ill. Adm. Code 1110.

Section 1450.260 Real Estate Recovery Fund

a) Necessity of Notice

When any person commences, in the civil courts, an action for a judgment which may result in collection from the Real Estate Recovery Fund, that person shall notify OBRE in writing at the time of commencement of the action.

b) Time of Notice

"Time of the commencement of the action" shall be construed to mean within 7 days after:

- 1) the plaintiff in a civil action files a Complaint or an Amended Complaint in the Circuit Court or the Federal District Court; or
- 2) the aggrieved party files a proof of claim or an adversary action regarding nondischargeability of the debt in a bankruptcy matter.

c) Place and Manner of Notice

Notice required by Section 20-90 of the Act or by this Section shall be sent by certified mail, return receipt requested, or shall be delivered by hand, to OBRE in Chicago, Illinois, Attention: Docket Clerk.

d) Contents of Notice

Every notice required by Section 20-90 of the Act or by this Section shall include:

- 1) a copy of the Court document:
 - A) the complaint showing the "Filed" stamp of the Clerk of the Court in which the complaint was filed; or
 - B) the proof of claim or an adversary complaint regarding nondischargeability in a bankruptcy matter.
- 2) copies of relevant documents available to the claimant, including:
 - A) real estate sales contract, lease, closing statement, disbursement directions, or other evidence of title to real property on which the claim is based, or if claimant does not possess title, evidence of the interest in real property on which the claim is based (evidence includes such

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documents as title policy, deed, or lease);
 B) proof of any check or money order regarding earnest money or security deposit, other negotiable instruments, or dishonored checks issued by the licensee.

3) an itemized statement of losses of actual cash money which the claimant alleges occurred as a result of conduct identified in Section 20-85 of the Act by a licensed broker, salesperson, leasing agent, or unlicensed employee of a broker. Where no itemized statement is possible, the claimant must state under oath that his or her losses are estimated and that his or her calculation of estimated losses is as accurate as circumstances permit him or her to make.

e) Necessity of Natural Person as a Defendant

No notice of claim will be recognized or accepted where the underlying complaint does not name at least one natural person, either a licensed broker, salesperson, leasing agent, or unlicensed employee of a broker, as a defendant.

Section 1450.265 Automatic Termination Upon Order to Payout from the Real Estate Recovery Fund

A licensee who desires to contest an automatic termination for payment out of the Real Estate Recovery Fund pursuant to Section 20-90(i) of the Act, must file the appropriate motion or appeal with the Court which ordered the payment from the Fund.

SUBPART G: PRE-LICENSE AND CONTINUING EDUCATION SCHOOL RULES

Section 1450.270 Definition of Schools and School Branch

"Schools", when used in this Part, refer to pre-license schools or continuing education schools as defined in Section 1-10 of the Act. Pre-license schools are those schools licensed by OBRE offering courses in subjects related to real estate transactions, including subjects upon which an applicant is examined in determining fitness to receive a license. Continuing education school refers to any school licensed by OBRE for continuing education in accordance with Section 30-15 of the Act.

A "school branch" means a pre-license or continuing education school other than the sponsoring schools' principal location.

Section 1450.275 Pre-License Schools and Instructors

a) In accordance with Section 30-5(a) of the Act, a school seeking approval for pre-license education shall submit an application on forms provided by OBRE along with the appropriate fee required by this Part. OBRE shall, upon the recommendation of the Advisory

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Council, approve a pre-license school if it meets certain minimum requirements as described in this Section.

b) An approved pre-license school could be:

- 1) A college or university chartered by its state education authority;
- 2) A private real estate school, whether operated by a corporation, community organization or any other entity to meet the education requirements of an applicant for a real estate broker or salesperson license under the Act; or
- 3) A public real estate school approved by the state education authority, and supported by public taxes.

c) The program shall:

- 1) Be approved by the school's governing and/or supervising body;
- 2) Have a faculty all of whom meet the qualifications of subsection (f) below;
- 3) Have a curriculum which conforms to the standards of subsection (g) below;
- 4) Administer a minimum 100 question final examination as outlined in subsection (g)(6) below.

d) Facilities

- 1) A pre-license school must provide an office in Illinois or a bordering state for the maintenance of all records, office equipment and office space necessary for customer service.
- 2) A pre-license school seeking approval of any classroom site shall furnish to OBRE an affidavit setting forth the name of the owner of the premises to be utilized and a copy of the lease, if applicable.
- 3) The premises, equipment and facilities of the pre-license school shall comply with all applicable community fire codes, building codes, and health and safety standards.
- 4) The pre-license school is subject to inspection prior to approval or thereafter by authorized representatives of OBRE during regular business hours, with at least 24 hours' advance notice of the inspection.
- 5) No pre-license school shall be maintained in a private residence.
- 6) Whenever an approved pre-license school operates a branch location, then an application shall be filed for each branch location. Each application shall be accompanied by the fee as required by this Part.
- 7) No approved pre-license school shall allow the school premises or classrooms to be used during class time by anyone to directly or indirectly recruit new affiliates for any company. Instructors and school administrators shall promptly report to OBRE any efforts to recruit students.

e) Administration

- 1) Instructors within an adult education, community education or vocational education program at any approved pre-license school shall meet the criteria for approval as set forth in subsection

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- (f) of this Section.
- 2) No approved pre-license school shall advertise that it is endorsed, recommended, or accredited by OBRE. The pre-license school, however, may indicate that the school and course of study has been approved by OBRE.
 - 3) Before each approved real estate course is to begin, an approved pre-license school shall submit notice to OBRE where the class is to be taught, title of the course, who is to instruct the class, date and time of the class and estimated class enrollment.
 - 4) The pre-license school shall provide the student with information which specifies the course of study to be offered; the tuition to be charged; the school's policy regarding refund of unearned tuition when a student is dismissed or withdraws voluntarily or through hardship; any additional fee to be charged for supplies, materials or books which become the property of the student upon payment; and other matters as are material to the relationship between the school and the student (for example: cost of retaking a course, current status of licensure, if any, any disciplinary action taken by OBRE, attendance requirements).
 - 5) Each pre-license school shall maintain for each student a record which shall include the course of instruction undertaken, dates of attendance, and areas of study completed satisfactorily. Each student's record shall be maintained by the pre-license school for a period of 5 years and shall be available for inspection by the student or by OBRE or its designee during regular business hours.
 - 6) Total tuition for any course of instruction offered by the pre-license school shall be the same for all students at any given time.
 - 7) An approved pre-license school shall upon request give evidence of the financial resources available to equip and maintain the school, as documented by, e.g., a current balance sheet or an income statement.
 - 8) OBRE shall be reimbursed by any out-of-state pre-license school for all reasonable expenses incurred by the inspector in the course of inspection.
- f) Qualifications of Pre-License Instructors in Approved Pre-License Schools
- The approved pre-license school shall employ only pre-license instructors who have been approved by OBRE and meet the following:
- 1) Except as provided in subsection (f)(7) below, pass an examination approved by OBRE with a minimum score of 70; and
 - 2) Holds a real estate broker's license for at least the last 3 years and has been engaged in active practice as an Illinois real estate broker; or
 - 3) Is currently admitted to practice law by the Supreme Court of Illinois and for at least 3 years has been engaged in the active practice of law in Illinois; or

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- 4) Is a properly credentialled pre-license instructor of real estate courses who is or has been engaged in the practice of teaching for at least 3 years; or as evidenced by a professional designation such as but not limited to, a designated real estate instructor (DREI); or approved by a college or university's governing body to teach in a real estate degree program; or
 - 5) Is properly licensed or certificated to engage in the business of appraisal, finance and/or related real estate occupations and who is a member of a nationally recognized association in that field, and for at least 3 years has been engaged in that practice; or
 - 6) In the judgment of the Director, is qualified by experience or education, or both, to supervise a course of study pursuant to the provisions of this Section. In determining whether a person is qualified to supervise a course of study under this Section, the Director shall consider:
 - A) The individual's teaching experience;
 - B) The individual's real estate experience;
 - C) Any real estate, business or legal education of the individual;
 - D) The results of a personal interview with the individual. The personal interview may be conducted via telephone if it would be overly burdensome and unreasonable for the applicant to personally appear for the interview (e.g., applicant living out-of-state). Any applicant who the Director has determined does not meet the requirements of this subsection (f)(6)(D) shall be evaluated by the Advisory Council. The Advisory Council shall evaluate the application and make a recommendation to the Commissioner for approval or disapproval of the applicant as a pre-license instructor. OBRE shall issue approval to the applicant or notify the applicant in writing why approval cannot be issued.
 - 7) Previously approved pre-license instructors are exempt from taking the examination as long as they maintain an active instructor's certificate and have no break in active status greater than 2 years.
 - 8) A pre-license school seeking the approval of OBRE for pre-license instructors shall submit an application on forms provided by OBRE and the appropriate fee.
 - 9) No approved pre-license instructor shall be seated for either the salesperson or broker licensure examination except for the purpose of securing a salesperson or brokers license.
- g) Curriculum for Pre-License Schools
- 1) The pre-license school shall offer classroom instruction in the following subjects:
 - A) Real Estate Transactions as outlined in subsection (g)(3)(A) below;
 - B) Brokerage Administration and Contracts and Conveyances as outlined in subsections (g)(3)(B) and (C) below; and

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- C) In addition to those listed in subsections (g)(1)(A) and (B) above, at least 3 optional courses as outlined in subsection (g)(3) below shall be offered.
- 2) The application of the pre-license school requesting approval shall include an outline of the content of the courses to be offered. Each outline shall make reference to the textbook used and other material related to the course or subject matter, and shall conform to the approved curriculum outlines prepared by OBRE.
- 3) Approved courses shall meet the minimum criteria set forth below:
- A) Real Estate Transactions shall include a minimum of 45 class hours. The course shall include instruction in real estate law, types of interest and ownership in real estate, home ownership, legal descriptions, titles, liens, taxes, encumbrances, listing, advertising, appraisal, finance, closings, and professional code of ethics.
- B) Brokerage Administration shall consist of a minimum of 15 class hours and shall be mandatory for all broker candidates. The course shall include instruction in Illinois real estate law and licensure, listings, title search, forms for closing, contract forms, and the broker-salesperson relationship.
- C) Contracts and Conveyances shall consist of a minimum of 15 class hours and shall be mandatory for all broker candidates. The course shall include instruction in deeds, fixtures, contracts, real estate closings, foreclosure and redemption, land use controls, landlord/tenant relationship, cooperatives and condominiums.
- D) A mandatory course consisting of 15 class hours, which shall include agency, disclosure, environmental issues, license law and other topics in a curriculum approved by the EAC and OBRE.
- E) Appraisal shall consist of a minimum of 15 class hours. The course shall include instruction in the appraisal process, real property and value, economic trends, depreciation, land value.
- F) Property Management shall consist of a minimum of 15 class hours. The course shall include instruction in fundamentals of tenant-management relationship, property modernization, property maintenance, leases, insurance, commercial property, industrial property, advertising.
- G) Financing shall consist of a minimum of 15 class hours. The course shall include instruction in types of financing, sources of financing, mortgages, mortgage documents, closing a mortgage, interest, liens, foreclosure, insurance, mortgage risk, principles of property value for mortgage credit, mortgage analysis, construction loans.
- H) Sales and Brokerage shall consist of a minimum of 15 class

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- hours. The course shall include instruction in qualifications and functions of a real estate broker; land utilization; appraisal principles and methods; office organization; selection, training and supervision of salespersons and office personnel; compensation of salesperson listings; prospects; real estate markets; financial control; and government regulations.
- I) Farm Property Management shall include a minimum of 15 class hours. The course shall include instruction in inventorying assets, determining method of operation, tenants, budgeting, crop and livestock production, marketing, tax planning and depreciation, government programs and regulations, insurance and ethics.
- J) Real Property Insurance shall include a minimum of 15 class hours. The course shall include instruction in risk, functions of insurance, insurance contracts, types and purposes of insurance.
- 4) OBRE shall make available to the public upon request copies of the curriculum of any of the courses specified above.
- 5) If additional elective courses are developed, they shall be approved by OBRE prior to implementation. The courses shall be approved upon determination that the course is at least 15 clock hours in length and constitutes real estate related material.
- 6) Examinations. Each course shall end in a mandatory final examination for which the minimum pass rate shall be no less than 75%.
- 7) Changes in ownership, management and curriculum occurring subsequent to the approval of a program shall be approved by OBRE prior to implementation in order for approval to continue uninterrupted.
- h) OBRE shall notify officials of the school in writing within 15 days after its approval or disapproval. In the event the pre-license school is disapproved, the reasons thereof will be detailed and the officials advised that the disapproval may be appealed by notifying OBRE, in writing, within 10 days after the receipt of the disapproval.

Section 1450.280 Expiration Date and Renewal Period for Pre-License Schools and Pre-License Instructors

- a) Every pre-license school or school branch license shall expire on June 30 of each odd numbered year.
- b) Every pre-license instructor license and every registration of a pre-license course shall expire on June 30 of each odd numbered year.
- c) Each licensed pre-license school and pre-license instructor shall be responsible for renewal of the license on forms provided by OBRE. Failure to receive a renewal form shall not constitute a valid reason for failure to pay the renewal fee or to renew the appropriate license.

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- d) The applicable fees shall be those set forth in Section 1450.95 of this Part.
- e) Each pre-license school and pre-license instructor shall submit a list of courses to be taught as part of the renewal application.
- f) Operation of a pre-license school or instructing courses on an expired or inoperative license shall constitute the unlicensed or unauthorized practice and may be grounds for discipline pursuant to Section 20-20 of the Act.
- g) Any licensed pre-license instructor whose license under the Act has expired is eligible to renew the license without paying any lapsed renewal fees or reinstatement fees provided that the license expired while the instructor was:
- 1) on active duty with the United States Army, United States Navy, United States Marine Corps, United States Air Force, United States Coast Guard, the State Militia called into the service or training of the United States; or
 - 2) engaged in training or education under the supervision of the United States prior to induction into military service; or
 - 3) serving as the Director of Real Estate in the State of Illinois, or as an employee of OBRE.

A pre-license instructor renewing his or her license in accordance with this subsection (g) may renew the license within a period of two years following the termination of service and are not required to retest or reapply.

- h) In accordance with Section 30-5 of the Act, any pre-license school or school branch, or pre-license instructor whose license under the Act has expired for more than two years shall not be eligible for renewal of licensure.

- 1) Any pre-license school or pre-license instructor whose license has expired for less than two years may renew the license at any time by complying with the requirements of this Section and by paying the fees required.
- 2) Any pre-license school or pre-license instructor whose license has been expired for less than two years may renew the license only after providing OBRE with evidence that, in the case of a school, all qualifications of Section 1450.275 have been met. In the case of a pre-license instructor, that instructor must show he or she has taught at least one course within the period of licensure or has completed an OBRE-approved instructor training program.

Section 1450.285 Continuing Education Schools and Instructors

- a) Approval of continuing education (CE) Schools. Those entities seeking approval as CE schools shall maintain an office for maintenance of all records, office equipment and office space necessary for customer service.
- 1) The CE school's office may be subject to inspection by authorized

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representatives of OBRE during regular working hours and upon at least 24 hours' notice when OBRE has reason to believe that there is not full compliance with the Act or this Part and that this inspection is necessary to ensure full compliance.

2) OBRE shall be reimbursed by any out-of-state CE school for all reasonable expenses incurred by the inspector in the course of the inspection.

3) Entities seeking approval as CE schools shall file a CE school application, on forms provided by OBRE, along with the required fee. The application shall include the following:

- A) A list of all CE courses that the CE school is planning to offer during the 12 month period following approval and a list of all instructors the school plans to utilize in the offering of the CE courses. The list shall include the instructor's name, address, and approval number as provided in Section 30-15(f) of the Act. An approved CE school shall not be precluded from offering CE courses or from utilizing instructors not listed in the initial application or subsequent annual renewals if written notice of the CE course and the instructor to be utilized is submitted 30 days prior to the CE course date pursuant to subsection (a)(3)(C)(v) below;
- B) The description, location, date and time of each CE course to be offered;
- C) The CE school's certification:
 - i) that the content areas of all CE courses offered by the CE school for CE credit will conform to those listed in Section 5-70(e) of the Act and that CE schools shall not offer for approved credit any of the courses set forth in Section 5-85 of the Act;
 - ii) that all CE courses offered by the CE school for CE credit will comply with the criteria in this Section;
 - iii) that the CE school will be responsible for verifying attendance at each CE course and providing a certificate of completion signed by the CE school on forms provided by OBRE. Further, that the school will maintain these records for not less than 5 years and shall make these records available for inspection by the licensee or OBRE or its designee during regular business hours;
 - iv) that upon request by OBRE, the CE school will submit evidence as is necessary to establish compliance with this Section and Sections 30-15 through 30-25 of the Act. The evidence shall be required when OBRE has reason to believe that there is not full compliance with the Act and this Part and that this information is necessary to ensure compliance;
 - v) that the CE school will submit to OBRE a written

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notice of a CE course 30 days prior to the CE course date if the program was not listed in the application or any subsequent renewal application. The notice shall include the description, location date and time of the CE course to be offered;

- vi) that the CE schools will only offer CE, other than self-study CE, in an environment which is conducive to learning (i.e., adequate lighting, seating) and does not jeopardize the health, safety, and welfare of the attendees; and
- vii) that financial resources are available to equip and maintain its office in a manner necessary to enable the CE school to comply with Article 30 of the Act, this Section and this Part, documented by a current balance sheet, an income statement or any similar evidence as requested by OBRE.

D) Evidence of the CE school's ability to provide the certificates required by Section 30-15(b)(5) of the Act.

4) CE schools approved to offer the courses required by Article 5 of the Act shall be deemed to be approved to offer CE programs upon completion of an application for approval and the submission of the fee required by Section 1450.95.

5) Within 30 days after the action by the Advisory Council, OBRE shall issue approval to the CE school or notify the CE school, in writing, why approval cannot be issued.

6) Approved CE schools shall comply with the following:

A) No approved CE school shall allow the premises or classrooms utilized during CE courses to be used by anyone to directly or indirectly recruit new affiliates for any company. CE schools and CE instructors shall report to OBRE any efforts to recruit licensees.

B) No approved CE school shall advertise that it is endorsed, recommended, or accredited by OBRE. The CE school, however, may indicate that the school and the CE course have been approved by OBRE.

C) Approved CE schools shall utilize in the teaching of approved CE courses only CE instructors who have been approved by OBRE.

D) Approved CE schools shall specify in any advertising promoting CE courses the number of CE hours that may be credited toward Illinois CE requirements for license renewal. Further, approved CE schools shall specify the number of core or elective CE course hours that may be earned by successfully completing the course.

E) All CE courses given by approved CE schools shall be open to all licensees and not be limited to members of a single organization or group.

7) The CE school shall be responsible for assuring verified

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attendance at each CE course or self-study examination. No renewal applicant shall receive CE credit for time not actually spent attending the CE course or when a passing score of 70% on the examination was not achieved.

8) To maintain approved CE school status, each CE school shall submit annually during the 30 days preceding April 1 a school renewal application along with the required fee. The CE school shall be required to submit to OBRE with the renewal application the following:

A) A list of those CE courses planned to be offered in the 12-month period immediately following the renewal period. This list shall include a description, location, date and time the course is planned to be offered.

B) A list of those instructors the school plans to utilize. This list shall include the name, address, and instructor approval number for each.

9) Each approved CE school shall submit to OBRE on or before the 15th of each month graduation report of those licensees passing approved CE courses offered by it during the preceding calendar month.

A) The monthly graduation reports shall include the following information for each licensee:

- i) the licensee's name, address, social security number, and license number;
- ii) the CE course school's name and license number; and
- iii) the CE course name, course identification number, course category (core or elective), credit hours, and the date and time classes were held.

B) If no courses were given by a CE school during the preceding calendar month, that CE school shall report in writing that no courses were given.

C) The monthly graduation reports shall be submitted in a computer readable format specified by OBRE.

D) There is no processing fee for a monthly graduation report submitted in the computer readable format specified by OBRE. Each monthly graduation report submitted on paper or in a format other than that specified by OBRE shall be accompanied by a processing fee of \$.50 per licensee, per course, listed on the report, payable by check to OBRE.

E) A monthly graduation report received by OBRE with a postmark after the day it is due (the 15th day of the month) shall be accompanied by an administrative fee of \$200 in addition to the fees set forth above.

F) If a CE school fails to file monthly graduation reports or a statement saying that none were given, or fails to pay required fees, if any, as set forth in subsections (a)(9)(D) and (E) of this Section for three successive months, then the courses offered by that school may be disqualified

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pursuant to procedures set forth in Section 30-15(d) of the Act until all delinquent graduation reports, processing fees, and administrative fees as set forth in subsections (a)(9)(D) and (E) of this Section have been submitted to and are received by OBRE. OBRE shall send notice to the school of an informal conference before the Advisory Council and of pending disqualification pursuant to Section 30-15(d) of the Act by certified or registered mail, return receipt requested or by other signature restricted delivery service.

b) Continuing Education Instructors

1) An applicant seeking approval from OBRE to become an approved CE instructor shall submit a completed application, on forms provided by OBRE, along with the required fee as provided for in Section 1450.95 of this Part.

2) An individual applying to become an approved CE instructor shall meet at least one of the following criteria:

- A) Licensed and active in practice as a real estate broker for at least the last three years; or
- B) Is currently admitted to practice law and for three years has been engaged in real estate related work as part of his or her/her active practice of law or has taught pre-licensure real estate courses; or
- C) Is a properly credentialed instructor of real estate courses who is or has been engaged in the practice of teaching for at least three years; or as evidenced by a professional designation, such as but not limited to a designated real estate instructor (DREI); or approved by a college or university's governing body to teach in a real estate degree program; or
- D) Is properly licensed or certified to engage in the business of appraisal, finance and/or related real estate occupations (not including real estate salespersons or leasing agents) and for at least three years has been engaged in that practice; or
- E) Is qualified by experience or education, or both, to teach CE pursuant to the provisions of Section 30-15(b)(a) of the Act. In determining whether a person is qualified to teach CE under that Section, the Director of Real Estate shall consider the following:
 - i) The individual's teaching experience;
 - ii) The individual's real estate experience;
 - iii) Any real estate, business or legal education of the individual; and
 - iv) The results of a personal interview with the individual. The personal interview may be conducted via telephone if it would be overly burdensome and unreasonable for the applicant to personally appear for the interview (e.g., applicant living

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out-of-state). Any applicant who the Director has determined does not meet the requirements of this subsection (b)(2)(E) shall be evaluated by the Advisory Council. The Advisory Council shall evaluate the application and make a recommendation to the Commissioner for approval or disapproval of the applicant as a CE instructor. OBRE shall issue approval to the applicant or notify the applicant in writing why approval cannot be issued.

3) CE instructors approved to teach salesperson and broker pre-licensure courses, pursuant to Section 1450.275 of this Part, are deemed approved as CE instructors as long as they maintain their approval under Section 1450.275 of this Part, submit an application to OBRE for approval as a CE instructor and pay the required fee.

4) Within 30 days after receipt of an application, OBRE shall issue approval to the applicant or notify the applicant in writing why approval cannot be issued.

Section 1450.290 Expiration Date and Renewal Period for Continuing Education Schools and Continuing Education Instructors

- a) Every continuing education school license shall expire on June 30 of each even numbered year.
- b) Every continuing education instructor license and registration of a CE course shall expire on June 30 of each even numbered year.
- c) Each licensed CE school and CE instructor shall be responsible for renewal of the license on forms provided by OBRE. Failure to receive a renewal form shall not constitute a valid reason for failure to pay the renewal fee or to renew the appropriate license.
- d) The applicable fees shall be those set forth in Section 1450.95 of this Part.
- e) Each CE school and CE instructor shall submit a list of courses to be taught as part of the renewal application.
- f) Operation of a CE school; or instructing CE courses on an expired or inoperative license shall constitute the unlicensed or unauthorized practice and shall be grounds for discipline pursuant to Section 20-20 of the Act.
- g) Any licensed CE instructor whose license under the Act has expired is eligible to renew the license without paying any lapsed renewal fees or reinstatement fees provided that the license expired while the instructor was:
 - 1) on active duty with the United States Army, United States Navy, United States Marine Corps, United States Air Force, United States Coast Guard, the State Militia called into the service or training of the United States; or
 - 2) engaged in training or education under the supervision of the United States prior to induction into military service; or

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- 3) serving as the Director of Real Estate in the State of Illinois, or as an employee of OBRE.

A CE instructor renewing his or her license in accordance with this subsection may renew the license within a period of two years following the termination of service and are not required to retake or reapply.

- h) In accordance with Sections 30-20 and 30-25 of the Act, any continuing education school or continuing education instructor whose license under the Act has expired for more than two years shall not be eligible for renewal of licensure.

- 1) Any CE school or CE instructor whose license has expired for less than two years may renew the license at any time by complying with the requirements of this Section and by paying the fees required.
- 2) Any CE school or CE instructor whose license has been expired for less than two years may renew the license only after providing OBRE with evidence that, in the case of a CE school, all qualifications of Section 1450.285 have been met. In the case of a CE instructor, that CE instructor must show he or she has taught at least one course within the period of licensure or has completed an OBRE-approved instructor training program.

Section 1450.295 Distance Learning Programs

Distance learning programs shall be affiliated with an approved school and meet the curriculum requirements set forth in Section 1450.275 and/or Section 1450.285 of this Part, as applicable. Distance learning programs mean those courses designed to be taken by means other than attendance in a classroom, e.g., Internet courses or correspondence/home study type courses.

- a) The program shall:
 - 1) Be approved by OBRE in accordance with Section 30-5 of the Act;
 - 2) Maintain a brief description of each lesson;
 - 3) Maintain a list of approved instructors who prepare each specific lesson;
 - 4) Maintain a list of titles, authors, publishers, and copyright dates of all instructional materials;
 - 5) Require minimum passing scores for all examinations of no less than 75%;
 - 6) Consist of at least 5 lessons and examinations plus one additional final examination of at least 100 questions.
- b) The program shall develop a written statement of teaching methods to be employed and materials and equipment needed for each course of instruction.
- c) The program shall establish written policies and procedures for grading examinations and lessons, which shall include provisions for instructor comments, suggestions and written correction of errors. There shall also be written procedures for the prompt return of materials.

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- d) The program shall establish performance objectives for each specific course of study.
- e) The program shall maintain an average passing rate of at least 40% for all students who take the licensure examination for the first time over a 6 month period, either January through June or July through December.

- f) An approved instructor shall be available during normal business hours to answer student questions.
- g) Students shall be allowed to attend the school's regularly scheduled pre-license or CE courses.

Section 1450.300 Class Attendance Requirements

- a) Attendance at all classes is mandatory; however, credit for absences not to exceed 10% of the class hours may be made up by attendance at make-up classes as provided in subsection (b) below. Absences in excess of 10% of class hours shall result in failure of the course.
- b) Each school shall provide time and facilities for conducting make-up classes for students who were absent from the regularly scheduled class period.

Section 1450.305 Recruitment at Test Center

Recruitment at test facilities where the Illinois Real Estate Licensure Examination is being conducted is not permitted before, during, or after the examination.

Section 1450.310 Withdrawal of Approval of Schools

- a) Upon written recommendation of the Board, OBRE shall withdraw, suspend or place on probation the approval of the pre-license school or a continuing education school when the quality of the program fails to continue to meet the established criteria as set forth in this Part or if approval of the school or program was based upon false or deceptive information.
- b) If the Board has reason to believe there has been any fraud, dishonesty, or lack of integrity in the furnishing of any documentation for the evaluation of a school or program, it shall refer the matter to the appropriate personnel for investigation and any disciplinary action which might be appropriate under the Act.
- c) An approved pre-license school which does not maintain an average passing rate of at least 40% for all students who take the licensure examination for the first time over a 6 month period, either January through June or July through December, shall at the recommendation of the Board, receive a written warning of noncompliance from OBRE. Approval may be suspended, withdrawn or other disciplinary action taken in accordance with this Part if the school fails to maintain an average passing rate of at least 40% of all students who take the

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

- licensure examination for the first time over the next 6 month period.
- d) A probation period shall be further defined as a time during which an approved school cannot receive approval for any course additions or changes.
 - e) A real estate program whose approval is being reconsidered shall be given at least 30 days written notice prior to any reconsideration by the Board. The officials in charge may either submit written comments or request a hearing before the Board.
 - f) In the event the real estate license of the administrator of an approved school is suspended or revoked, the school approval shall automatically be rescinded.

Section 1450.315 Discipline of Schools or Instructors

- a) Upon written recommendation of the Board to the Commissioner, OBRE may refuse to issue or renew a license, reprimand, fine, withdraw approval, place on probation, suspend, or revoke any license or otherwise discipline any licensee of any real estate pre-licensure school, pre-licensure instructor, approved CE school, approved CE instructor, course, or applicant for the license when, at any time:
 - 1) The quality of the course, instruction or program fails to meet the established criteria as set forth in the Act and this Part.
 - 2) If the license approval was based upon false or deceptive information.
 - 3) If any other professional license, accreditation, certification of the instructor or school is suspended, revoked or otherwise disciplined.
 - 4) When the applicant or licensee has:
 - A) subverted or attempted to subvert the integrity of any exam or course, including through improper reproduction of an exam, providing an answer key to an exam, cheating, bribery or otherwise, or aids and abets an applicant or licensee to subvert the integrity of any exam or course;
 - B) made any substantial misrepresentation, misleading or untruthful advertising, including without limitation guaranteeing success or a "pass score" on any exam or in any course or using any trade name or insignia of membership in any educational or any real estate organization of which the applicant or licensee is not a member;
 - C) taught real estate courses without being qualified, including, but not limited to, being unapproved by OBRE, being unlicensed, having a nonrenewed license or being uncertified, or aids and abets an unqualified individual to teach a real estate course;
 - D) failed to provide information to OBRE as required under any provision of the Act or this Part; or
 - E) disregarded or violated any provision of the Act or this Part.

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- b) Disciplinary proceedings shall be conducted by the Board as provided for in the Act and Subpart F of this Part.
- c) OBRE may temporarily suspend without hearing the approval for a licensed CE school's courses for failure to comply with the Act or these Rules upon recommendation of the Advisory Council. No CE credit shall be granted to any licensee for completing a CE course for which the approval of OBRE has been temporarily suspended.

SUBPART H: GRANTING VARIANCES

Section 1450.320 Granting Variances

- a) The Commissioner of Banks and Real Estate may grant variances from these rules in individual cases where he or she finds that:
 - 1) the provision from which the variance is granted is not statutorily mandated;
 - 2) no party will be injured by the granting of the variance; and
 - 3) the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Commissioner shall notify the Board of his or her intention to grant a variance, and the reasons therefor, at a meeting of the Board, prior to granting the variance.

SUBPART J: TRANSITION RULES

Section 1450.325 Salesperson Applicants - Transition Provisions

- a) Until March 31, 2000, an applicant for a salesperson license may be allowed to sit for the examination if the applicant submits either:
 - 1) a course completion transcript which verifies that on or before December 30, 1999, the applicant completed the previously required 30 hour Real Estate Transactions course; or
 - 2) proof of current Illinois attorney registration or a baccalaureate degree involving real estate as provided for under the Part, and otherwise meets the licensure requirements in effect on December 30, 1999, including the age requirements.
- b) If an applicant for a salesperson license eligible to sit for the examination under subsection (a) of this Section fails the salesperson examination three times, the applicant shall be allowed to sit for the examination on or before March 31, 2000, only upon completion of the 15 hour Salesperson Real Estate Transaction Supplemental Course.

Section 1450.330 Broker Applicants - Transition Provisions

- a) Until March 31, 2000, an applicant for a broker's license may be allowed to sit for the examination if the applicant:
 - 1) submits a course completion transcript which verifies that on or before December 30, 1999, the applicant completed the previously

OFFICE OF BANKS AND REAL ESTATE

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required 90 credit hours of broker pre-license courses; or

2) submits proof of current Illinois attorney registration or a baccalaureate degree involving real estate as provided for under this Part, and otherwise meets the licensure requirements in effect on December 30, 1999, including the salesperson pre-license course completion, salesperson experience and age requirements.

b) If an applicant for a broker license eligible to sit for the examination under subsection(a) of this Section fails the broker examination three times, the applicant shall be allowed to sit for the examination on or before March 31, 2000, only upon completion of the 15 hour Broker Administration course.

Section 1450.335 Continuing Education - Transition Provisions

a) As of February 1, 2000, CE schools may no longer provide a consolidated classroom curriculum of four CE course for twelve credit hours in a calendar day and students may not earn more than six credit hours in a calendar day. CE course credit earned through a distance learning program is not subject to the maximum of six credit hours in a calendar day.

b) Renewal applicants may satisfy the CE core course requirements by the submission of completion of courses that had been approved at the time of completion as mandatory courses. The acceptance of mandatory courses in lieu of core courses shall be permitted until:

- 1) April 30, 2001, for salesperson renewal applicants; and
- 2) April 30, 2000, for broker renewal applicants.

Section 1450.340 Education License Renewals - Transition Provisions

a) Pre-license. Every active pre-license school, pre-license school branch location, and pre-license instructor shall be granted written authority to continue to educate through to June 30, 2000, as if the licenses had been renewed on December 31, 1999. A licensee offering educational services under this authority may be disciplined in the same manner as an active licensee practicing by authority of a renewed certificate. Every pre-license school, pre-license school branch location, and pre-license instructor license and every pre-license course registration shall expire on June 30, 2000, and may be renewed for a period to June 30, 2001 upon submission of the required forms and payment of the fee required by Section 1450.95. Thereafter, the licenses will expire on June 30 of each odd numbered year.

b) CE. Every active license to a CE school, CE instructor, and restricted CE instructor under the Act shall be granted written authority to continue to educate through to June 30, 2000, as if the licenses had been renewed on April 30, 2000. A licensee offering educational services under this authority may be disciplined in the same manner as an active licensee practicing by authority of a renewed

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certificate. Every CE school, CE instructor, and restricted CE instructor license and every CE course registration shall expire on June 30, 2000, and may be renewed for a two year period upon submission of the required forms and payment of the fee required by Section 1450.95. Thereafter, the licenses will expire on June 30 of each even numbered year.

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NOTICE OF ADOPTED REPEALER

16) Information and questions regarding this adopted repealer shall be directed to:

Christopher J. Siebel
Office of Banks and Real Estate
500 E. Monroe Street
Springfield IL 62701
217/782-6167 217/524-5941(fax)
E-Mail: csiebel@bre.state.il.us

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1285
- 3) Section Numbers: 1285.265 Adopted Action: Amendment
- 4) Statutory Authority: Medical Practice Act of 1987 [225 ILCS 60].
- 5) Effective Date of Amendments: June 5, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: February 14, 2000, at 24 Ill. Reg. 2185.
- 10) Has JCARE issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCARE been made as indicated in the agreement letter issued by JCARE? Yes
- 13) Will these amendments replace emergency amendments currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: PA 90-699 authorizes the Department and the Medical Disciplinary Board to subpoena records in mandatory reporting cases involving death or permanent bodily injury; these rules implement this provision.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813 Fax: 217/782-7645

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1285

MEDICAL PRACTICE ACT OF 1987

SUBPART A: MEDICAL LICENSING, RENEWAL
AND RESTORATION PROCEDURE

Section

1285.20	Six (6) Year Post-Secondary Programs of Medical Education
1285.30	Programs of Chiropractic Education
1285.40	Approved Postgraduate Training Programs
1285.50	Application for Examination
1285.60	Examinations
1285.70	Application for a License on the Basis of Examination
1285.80	Licensure by Endorsement
1285.90	Temporary Licenses
1285.91	Visiting Resident Permits
1285.95	Clinical Skills Standards for Applicants Having Graduated More Than Five (5) Years Prior to Application
1285.100	Visiting Professor Permits
1285.101	Visiting Physician Permits
1285.105	Chiropractic Physician Preceptorship
1285.110	Continuing Medical Education (CME)
1285.120	Renewals
1285.130	Restoration and Inactive Status
1285.140	Granting Variances

SUBPART B: MEDICAL DISCIPLINARY PROCEEDINGS

Section

1285.200	Medical Disciplinary Board
1285.205	Complaint Committee
1285.210	The Medical Coordinator
1285.215	Complaint Handling Procedure
1285.220	Informal Conferences
1285.225	Consent Orders
1285.230	Summary Suspension
1285.235	Mandatory Reporting of Impaired Physicians by Health Care Institutions
1285.240	Standards
1285.245	Advertising
1285.250	Monitoring of Probation and Other Discipline and Notification
1285.255	Rehabilitation
1285.260	Fines
1285.265	Subpoena Process of Medical and Hospital Records

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART C: GENERAL INFORMATION

1285.270 Inspection of Physical Premises
1285.275 Failing to Furnish Information

Section
1285.310 Public Access to Records and Meetings
1285.320 Response to Hospital Inquiries
1285.330 Rules of Evidence

AUTHORITY: Implementing the Medical Practice Act of 1987 [225 ILCS 60] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 13 Ill. Reg. 483, effective December 29, 1988; emergency amendment at 13 Ill. Reg. 651, effective January 1, 1989, for a maximum of 150 days; emergency expired May 31, 1989; amended at 13 Ill. Reg. 10613, effective June 16, 1989; amended at 13 Ill. Reg. 10925, effective June 21, 1989; emergency amendment at 15 Ill. Reg. 7785, effective April 30, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 13365, effective September 3, 1991; amended at 15 Ill. Reg. 17724, effective November 26, 1991; amended at 17 Ill. Reg. 17191, effective September 27, 1993; expedited correction at 18 Ill. Reg. 312, effective September 27, 1993; amended at 20 Ill. Reg. 7888, effective May 30, 1996; amended at 22 Ill. Reg. 6985, effective April 6, 1998; amended at 22 Ill. Reg. 10580, effective June 1, 1998; amended at 24 Ill. Reg. 3620, effective February 15, 2000; amended at 24 Ill. Reg. 8348, effective JUN -5 2000.

SUBPART B: MEDICAL DISCIPLINARY PROCEEDINGS

Section 1285.265 Subpoena Process of Medical and Hospital Records

- a) Upon a showing by the Department that probable cause exists that a violation of one or more of the grounds for discipline listed in Section 22 of the Act has occurred or is occurring, the Disciplinary Board shall subpoena the medical and hospital records of individual patients of any physician licensed under the Act. Probable cause exists upon a showing that there is a reasonable basis for believing that a violation has occurred or is occurring.

- 1) A request for subpoena of individual medical and hospital records shall:

- A) Be in writing;
B) Be signed by the Medical Coordinator or Deputy Medical Coordinator;
C) State one or more grounds for discipline alleged to be violated;
D) Identify with reasonable specificity the records requested; and

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- E) Include an affidavit of a person having knowledge of facts upon which the request is based.

- 2) A subpoena for individual medical and hospital records shall:

- A) Be served within reasonable business hours;
B) Require an individual to safeguard the confidentiality of individual patients by removing any information which would identify individual patients by name, and encoding the records for use by authorized persons; and
C) Direct that an inventory of all records produced and a copy of encoding information be left with the caretaker of the records.

- b) The Department or Disciplinary Board may, pursuant to Section 23 of the Act, subpoena copies of hospital and medical records in mandatory report cases filed with the Department pursuant to Section 22(A)(34), (35) and (36) and Section 23 of the Act when the patient or legal representative has failed to provide written consent to the Department to obtain copies of the hospital and medical records and the mandatory report alleges death or permanent bodily injury. Permanent bodily injury that be defined as a bodily injury that causes serious disfigurement or protracted loss or impairment of the function of any bodily member or organ which, according to every reasonable probability, will continue throughout the remainder of one's life.

- 1) The request for subpoena shall:

- A) Be in writing;
B) Be signed by the Medical Coordinator or Deputy Medical Coordinator;
C) State that the mandatory report alleges death or permanent bodily injury;
D) Identify with reasonable specificity the records requested;

- E) Include an affidavit that the patient or legal representative would not consent to release records.

- 2) The subpoena shall:

- A) Be served within reasonable business hours;
B) Require an individual to safeguard the confidentiality of individual patients by removing any information that would identify individual patients by name, and encoding the records for use by authorized persons; and
C) Direct that an inventory of all records produced and a copy of encoding information be left with the caretaker of the records.

(Source: Amended at 24 Ill. Reg. 8348, effective JUN -5 2000)

DEPARTMENT OF PUBLIC AID

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Subsection (d)(1) has been revised to read, "Each single occupancy SLF apartment shall have at least 300 square feet of living space, including closets and the bathroom."

A new subsection (d)(2) has been added that reads, "Each double occupancy SLF apartment shall have no less than 450 square feet of living space including closets and the bathroom."

Previous subsections (d)(2), (d)(3) and (d)(4) have been relabeled as subsections (d)(3), (d)(4) and (d)(5) respectively.

Newly labeled subsections (d)(3)(C) and (e)(3)(G) have been revised to read, "Access to cable television, satellite dish or master antenna that receives at least ten channels; and".

The second sentence of subsection (e)(1) has been revised to read, "Each single occupancy SLF apartment shall have at least 160 square feet of living space, including closets and the bathroom."

A new subsection (e)(2) has been added that reads, "Each double occupancy SLF apartment shall not have less than 320 square feet of living space, including closets and the bathroom."

Previous subsections (e)(2), (e)(3) and (e)(4) have been relabeled as subsections (e)(3), (e)(4) and (e)(5) respectively.

Section 146.215

Subsection (c)(1)(A) has been revised as follows:

Except as provided in subsection (c)(1)(B) of this Section, applications shall be accepted on a first come, first served basis. The Department shall evaluate each accurate and complete application according to factors including, but not limited to, geographic distribution, waiver limits, the needs of the population being served, and the compliance histories of other facilities owned or operated in the State of Illinois by the applicant or a related party. Applications that are found to be incomplete or inaccurate shall not be evaluated and will be returned to the applicant with an explanation of the deficiencies. Such applications may be corrected and resubmitted to the Department for evaluation. The Department shall notify the applicant in writing that the application has been approved or the reasons for its denial."

The latter half of subsection (c)(1)(C) has been revised as follows:

"The applicant may make a written request that the Department grant an extension to the 24 months deadline. Written documentation

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1) Heading of the Part: Specialized Health Care Delivery Systems

2) Code Citation: 89 Ill. Adm. Code 146

3) Section Numbers: Adopted Action:

146.205	Amendment
146.210	Amendment
146.215	Amendment
146.220	Amendment
146.225	Amendment
146.230	Amendment
146.235	Amendment
146.245	Amendment
146.255	Amendment
146.290	Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date of Amendments: June 1, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: February 18, 2000 (24 Ill. Reg. 2586)

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences Between Proposal and Final Version:

The following changes have been made in the text of the proposed rulemaking.

In the Section Table of Contents, the title of Section 146.290 has been changed to "Geographic Groups".

Section 146.205

In the definition of "Licensed Nurse", the statutory citation has been changed to "Nursing and Advanced Practice Nursing Act [225 ILCS 65].

Section 146.210

DEPARTMENT OF PUBLIC AID

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justifying an extension must accompany the request. The Department may grant an extension in its sole discretion prior to expiration of the 24 months."

In subsection (c)(2), "thereto" has been changed to "in those plans".

Section 146.255

In subsection (d)(7), the stricken first sentence has been retained. The second sentence has been revised to read, "A temporary absence shall not be considered a basis for an involuntary discharge of a Medicaid resident until the Department has stopped payment pursuant to Section 146.225(f)."

No other substantive changes have been made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect?
No

14) Are there any other amendments pending on this Part? No

15) Summary and Purpose of Amendments:

These amendments to the Department's rules concerning the Supportive Living Facility (SLF) program provide rate methodology revisions and a number of changes and clarifications to the program requirements. These amendments are the result of observations by the SLF provider community and the Department regarding the initial period of SLF program operation. Discussions have resulted in a consensus regarding the SLF program areas that will benefit from changes in requirements and procedures. The amendments include the following revisions:

Replacement of Request for Proposal (RFP) requirements by an application process;

Scoring revisions regarding SLF eligibility for potential residents;

Reimbursement methodology changes that will result in calculation simplification and an increased Medicaid rate;

A reimbursement change allowing payment for a resident's temporary absence;

Addition of an initial resident assessment within 24 hours of admission to identify potential immediate problems; and

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Expansion of the time-frame for completing the comprehensive assessment.

The Department expects these changes to result in a very limited expenditure increase for SLF services during fiscal year 2000. For fiscal year 2001, spending for SLF services is expected to be approximately \$907,108.

16) Information and questions regarding these adopted amendments shall be directed to:

Joanne Jones
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081

The full text of the adopted amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 146

SPECIALIZED HEALTH CARE DELIVERY SYSTEMS

SUBPART A: AMBULATORY SURGICAL TREATMENT CENTERS

Section	General Description
146.100	Definitions
146.105	Participation Requirements
146.110	Records and Data Reporting Requirements
146.115	Covered Ambulatory Surgical Treatment Center Services
146.125	Reimbursement for Services
146.130	

SUBPART B: SUPPORTIVE LIVING FACILITIES

Section	General Description
146.200	Definitions
146.205	Structural Requirements
146.210	SLF Participation Requirements
146.215	Resident Participation Requirements
146.220	Reimbursement for Medicaid Residents
146.225	Services
146.230	Staffing
146.235	Resident Contract
146.240	Assessment and Service Plan and Quarterly Evaluation
146.245	Resident Rights
146.250	Discharge Criteria
146.255	Grievance Procedure
146.260	Records Requirements
146.265	Quality Assurance Plan
146.270	Monitoring
146.275	Termination or Suspension of SLF Provider Agreement
146.280	Voluntary Surrender of Certification
146.285	Geographic Groups Areas
146.290	

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Old Part repealed at 14 Ill. Reg. 13800, effective August 15, 1990; New Part adopted at 20 Ill. Reg. 4419, effective February 29, 1996; emergency amendment at 21 Ill. Reg. 13875, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4430, effective February 27, 1998; emergency amendment at 22 Ill. Reg. 13146, effective July 1, 1998, for a maximum of 150

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days; amended at 22 Ill. Reg. 19914, effective October 30, 1998; amended at 23 Ill. Reg. 5819, effective April 30, 1999; emergency amendment at 23 Ill. Reg. 8256, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13663, effective November 1, 1999; amended at 24 Ill. Reg. 8353, effective JUN - 1 2000.

SUBPART B: SUPPORTIVE LIVING FACILITIES

Section 146.205 Definitions

For purposes of this Part, the following terms shall be defined as follows:

"Activities of Daily Living" means eating, bathing, dressing, transferring, toileting, walking and grooming.

"Assessment" means either the federally mandated assessment instrument commonly referred to as minimum data set (MDS) or the Department designated resident assessment instrument designed for use in SLFs.

"Bank Nursing Facility Beds" means SLF providers that choose to participate by converting a distinct part of a nursing facility shall be allowed to retain the Certificate of Need for nursing beds that were converted.

"Complaint" means a phone call, letter or personal contact to the Department from a resident, family member or resident representative expressing a concern related to the health, safety or well-being of one or more SLF residents.

"Contract" means the written agreement between an SLF and the Department to provide all services set forth in this Subpart B.

"Department" means the Illinois Department of Public Aid.

"Direct Care Staff" means staff which provide assistance with activities of daily living or other personal needs or maintenance, or general supervision and oversight of the physical and mental well-being of an individual.

"Distinct Part" means a separate building or an entire wing or other physically identifiable space of an existing facility licensed under the Nursing Home Care Act or the Hospital Licensing Act that is operated distinguishably from the rest of the facility. The distinct part of a nursing facility will not be subject to provisions of the Nursing Home Care Act. The distinct part of a hospital continues to be subject to provisions of the Hospital Licensing Act while complying with provisions of this Subpart B. A distinct part does not include the conversion of an entire nursing facility or hospital.

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"Follow-up Care" means the response to, and documentation of, the service plan which is discussed with, and agreed to by, the resident. It may include physician referrals, revision of the service plan to incorporate nursing services, health promotion counseling and teaching self care in meeting health needs.

"Freestanding Facility" means a separate building that is not part of an existing nursing facility or hospital. Freestanding facilities include conversion of an entire nursing facility or hospital.

"Licensed Nurse" means a person whose services are paid for by the SLF and who is licensed as a registered nurse, registered professional nurse, practical nurse or licensed practical nurse under the ~~Illinois~~ Nursing and Advanced Practice Nursing Act of 1987 [225 ILCS 65].

"Medicaid" means the Department's Medical Assistance Program.

"Medicaid Resident" means a person with a disability (as determined by the Social Security Administration) age 22 years and over, or a person who is age 65 years and over who has been determined eligible for Medicaid payment for SLF services. Eligibility for a person residing in an SLF shall be determined in accordance with 89 Ill. Adm. Code 120.10 and 120.61 (excluding subsection (f) of Section 120.61). Provisions for property transfers as described at 89 Ill. Adm. Code 120.387 shall apply to a person residing in an SLF. Provisions for the prevention of spousal impoverishment as described at 89 Ill. Adm. Code 120.379 shall apply to a person residing in an SLF.

"Medical Assistance Program" means the program administered under Article V of the Illinois Public Aid Code [305 ILCS 5/Art. V] or successor programs and Title XIX of the Social Security Act (42 USC 1396) and related federal and State rules and regulations.

"Rehabilitated Nursing Facility" means the conversion of a distinct part of an existing nursing facility into an SLF.

"Related Parties" means affiliates of the SLF; entities for which investments are accounted for by the equity method by the entire enterprise; trusts for the benefit of employees, such as pensions and profit-sharing trusts that are managed by or under the trusteeship of management; any general partner; management of the SLF; members of the immediate families of principal owners of the SLF or its management; and other parties with which the SLF may deal if one party controls or can significantly influence management or operating policies of the other to an extent that one of the transacting parties might be prevented from fully pursuing its own separate interests. An entity or person shall be deemed by the Department to be a related party if it can significantly influence management or operating policies of the

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transacting parties or if it has an ownership interest in one of the transacting parties and can significantly influence the other to an extent that one or more of the transacting parties might be prevented from fully pursuing its own separate interests.

"Resident" means a person living in an SLF, including Medicaid residents as defined in this Section, as well as individuals who are not eligible for Medicaid payment for SLF services.

~~"RFP" means a Request-for-Proposal.~~

"Room and Board" means the housing and meals provided under the resident contract.

"Services" means the personal and health care related services provided by the SLF pursuant to Section 146.230.

"Service Plan" means the written plan that is developed by a licensed nurse with input from the resident, or his or her designated representative, based upon the assessment and shall be completed within seven days after completion of the assessment.

"SLF or Supportive Living Facility" means a residential setting in Illinois that: provides or coordinates flexible personal care services, 24 hour supervision and assistance (scheduled and unscheduled), activities, and health related services with a service program and physical environment designed to minimize the need for residents to move within or from the setting to accommodate changing needs and preferences; has an organizational mission, service programs and a physical environment designed to maximize residents' dignity, autonomy, privacy and independence; and encourages family and community involvement.

"SSI" means Supplemental Security Income under Title XVI of the Social Security Act.

"Subcontractor" means any person who assumes any duties and responsibilities from the SLF ~~under this contract~~ for the performance of SLF services pursuant to Section 146.230 an act for which the SLF has contracted with the Department.

(Source: Amended at 24 Ill. Reg. **8353** ~~---~~ effective ~~---~~ JUN - 1 2000)

Section 146.210 Structural Requirements

a) Building Construction

1) The SLF's architectural plans shall conform to the current State

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building codes for the respective building type, local Fire and Life Safety Standards for health care occupancy or the 1997 National Fire Protection Association Life Safety Code (NFPA) 101, Chapter 22, Residential Board and Care Occupancies or local building codes if more stringent.

2) Each SLF shall meet accessibility standards as related to the Americans with Disabilities Act of 1990.

3) An SLF shall not have any apartments below grade level.

4) All freestanding sites consisting of two or more stories with 75 or fewer units shall have a minimum of one elevator available for resident use. All freestanding sites consisting of two or more stories with 76 or more units shall have a minimum of two elevators available for resident use.

b) Heating and Air Conditioning

1) All residential apartments shall have individually controlled systems to maintain comfortable temperatures.

2) Buildings shall provide a heating and air conditioning system in public areas to maintain comfortable temperatures.

c) Illumination

Illumination systems shall be installed and maintained to ensure sufficient lighting for general lighting, reading, night lighting for corridors, stairwells and emergency situations. There shall be adequate illumination for outdoor areas.

d) Resident Apartments General Requirements - Freestanding Sites

1) Each single occupancy SLF apartment shall have at least 300 square feet of living space, including closets and the bathroom ~~for a person-living-alone. Individuals-wishing-to-share-an~~

2) Each double occupancy SLF apartment shall have no less than 450 square feet of living space, including closets and the bathroom.

3) Each apartment shall be equipped at a minimum with:

- A) A door that locks from the inside;
- B) A full bathroom as defined in this Section;
- C) An emergency call system pursuant to Section 146.230(n);
- D) Heating and cooling controls;
- E) An individual mailbox which shall be located inside the building;
- F) Wiring for private telephone lines;
- G) Access to cable television, ~~or~~ satellite dish ~~or master antenna~~ receives at least ten channels; and
- H) A sink, microwave oven or stove, and refrigerator with a separate freezer compartment.

4) Each SLF shall have a master key to each apartment to be used only in case of an emergency.

5) Each freestanding SLF shall consist of one building housing at least ten but no more than 150 apartments.

Resident Apartments General Requirements - Rehabilitated Nursing Facilities

1) Any nursing facility rehabilitating a portion of the facility to

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conform with SLF requirements shall convert a distinct part of existing facility space. Each single occupancy SLF apartment shall have at least 160 square feet of living space, including closets and the bathroom ~~for a person-living-alone.~~

2) Each double occupancy SLF ~~individuals-wishing-to-share-an~~ apartment shall not have less than 320 square feet of living space, including closets and the bathroom.

3) Each apartment shall be equipped at a minimum with:

- A) A door that locks from the inside;
- B) A full bathroom as defined in this Section that may be between and shared by the adjoining apartment;
- C) An emergency call system pursuant to Section 146.230(n);
- D) Heating and cooling controls;
- E) An individual mailbox which shall be located inside the building;
- F) Wiring for private telephone lines;
- G) Access to cable television, ~~or~~ satellite dish ~~or master that receives at least ten channels;~~ and
- H) A sink, microwave oven or stove, and refrigerator with a separate freezer compartment.

4) Each SLF shall have a master key to each apartment to be used only in case of an emergency.

5) Each rehabilitated nursing facility shall consist of a distinct part of an existing facility housing at least ten apartments but no more than 150 apartments.

f) Apartment Bathrooms

1) Each bathroom shall be equipped with:

- A) A toilet with surrounding grab bars;
- B) A sink;
- C) A bathtub and/or shower stall with surrounding grab bars;
- D) Hot and cold running water with faucets that meet all marking standards for residential building codes; and
- E) An emergency call system pursuant to Section 146.230(n).

2) Each bathroom shall be a separate room and shall be designed to provide privacy.

3) The SLF shall have at least one common bathing room which contains a bathtub and a roll-in shower which is wheelchair accessible to allow a five foot turning radius or utilize the American National Standards Institute T-shape or Y-shape, both of which have a non-skid surface, transfer seat and grab bars. Each bathing room shall have door locks to ensure privacy.

g) Closet Space

Each apartment shall have minimum closet space of 90 cubic feet, or minimum floor dimensions of no less than 72 inches wide and 30 inches deep. Each closet shall be equipped with a door.

h) Doors

1) All doors in residential apartments, including entrance doors, shall be wheelchair accessible.

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- 2) Entrance doors to apartments shall have locking devices that are accessible to the outside.
- 3) Entrance doors to residential apartments shall open onto a public corridor.
- 4) Entrance doors to each apartment shall be equipped with an "eye-view".
- i) Windows
All apartment windows shall be of transparent clear glass (except bathrooms) and large enough to permit viewing to the outside of the building. Apartments shall have at least one window with a sill height that permits viewing from a seated position.
- j) Common Areas
1) The SLF shall have a minimum of two common areas that provide residents with space for socialization. The dining room may be used as one of the common areas.
- 2) All common areas shall be accessible for wheelchair use and shall be designed and furnished to meet resident needs.
- 3) Common areas shall be available for resident use at any time, provided such use does not disturb the health, safety, and well-being of other residents. Access to private or public outdoor recreation areas shall be available to all residents.
- 4) ~~Each common area shall be equipped with an emergency call system pursuant to Section 146.230(n).~~
- k) Public Restrooms
1) There shall be at least one public restroom that is handicapped accessible.
- 2) All public restrooms shall be clean.
- 3) All public restrooms shall contain toilet tissue, waste receptacles and hand drying means that cannot be reused. Soap shall be provided in a manner that minimizes contamination.
- l) Public Telephone
There shall be an accessible pay telephone in a common area that allows residents and others to conduct private conversations.
- m) Social and Recreational Areas
1) Accessible public areas shall be provided for residents' social and recreational use.
- 2) Social and recreational areas in rehabilitated nursing facilities shall be separate from those of the nursing facility. Rehabilitated nursing facilities may use the SLF dining room as a social and recreational area.
- n) Kitchens
1) SLF kitchens in rehabilitated nursing facilities may be shared with the nursing facility.
- 2) Food shall be prepared on-site in a full service kitchen. The food shall be freshly prepared each day and served in a central dining area.
- 3) Notwithstanding requirements found in any local health or food preparation ordinances, the SLF shall have a kitchen that

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provides:

- A) Storage for non-perishable foods and perishable foods;
- B) Food preparation areas with cleanable surfaces;
- C) Capacity for resident food distribution at the appropriate temperature;
- D) Kitchenware washing space as necessary to meet food service needs;
- E) Hand washing areas separate from food washing areas;
- F) Area to store and clean garbage cans and carts; and
- G) Self-dispensing ice-making capability. ~~7-and~~
- H) ~~Doors between the kitchen and dining area that are lockable.~~
- o) Dining Areas
1) The SLF shall have handicapped accessible dining space to accommodate residents.
- 2) The dining area in rehabilitated nursing facilities shall be separate from the dining area of the nursing facility.
- p) Laundry Rooms
1) Laundry rooms for resident use:
A) In addition to laundry services provided under Section 146.230, at least one accessible washer and dryer shall be provided for resident use at no cost. The resident shall be responsible for the cost of all detergent and fabric softeners.
- B) There shall be a sink for hand washing separate from sinks used for laundry rinsing in the laundry area.
- C) There shall be an emergency call system pursuant to Section 146.230(n) in each laundry room available for resident use.
- 2) Laundry rooms for SLFs:
A) If laundry is done on-site, the laundry equipment shall be located in a separate room from that of the laundry room used by the residents.
- B) The SLF shall have space for laundry soiled with body secretions to be processed separately from other soiled linens and laundry.
- C) There shall be a sink for hand washing separate from sinks used for laundry rinsing in the laundry area.
- q) Housekeeping and Maintenance Areas
There shall be at least one lockable janitor closet in the building. All janitor closets shall have a source of hot and cold running water. Rehabilitated nursing facilities may use the same janitor closet as the nursing facility.
- r) Smoking Areas
~~If smoking is permitted, it~~ Smoking shall be restricted to areas equipped with ventilation to maintain non-smoking areas smoke-free, or to indoor areas that are separate from other common areas. These areas shall be in compliance with the Illinois Clean Indoor Air Act [410 ILCS 80].
- s) Water Services

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1) The building water supply shall be taken from a water system that is constructed, protected, operated and maintained in conformance with State and local regulations.

2) Water temperatures in the central kitchen and laundry used for sanitizing shall meet the standards of the local and State health departments.

3) Hot and cold running water with adequate water pressure shall be maintained.

4) Drinking water shall be accessible to residents at all times in common areas and residential apartments.

t) Waste Removal

1) Liquid wastes shall be collected, stored, and disposed of in accordance with State building and health regulations. Those liquid wastes resulting from compacting shall be disposed of as sewage.

2) Sewage disposal shall be operated in compliance with State and local building and health department regulations.

3) Solid waste containers for use inside and outside shall be insect-proof, rodent-proof, fire-proof, non-absorbent and water-tight containers with tight fitting lids.

4) Indoor garbage containers shall be cleaned frequently enough to minimize the transmission of infection and attraction by insects and rodents.

5) Garbage from the public areas of the building shall be collected daily, and garbage from the residential apartments shall be collected as needed. All garbage shall be held in approved receptacles outside the building for removal on a regular schedule. Garbage and trash shall be disposed of in accordance with local ordinances.

(Source: Amended at 24 Ill. Reg. **8353**, effective JUN - 1 2000)

Section 146.215 SLF Participation Requirements

- a) Facilities or distinct parts of facilities which are selected as SLFs and are in good standing with provisions contained in this Subpart B are exempt from the provisions of the Nursing Home Care Act [210 ILCS 45] and the Illinois Health Facilities Planning Act [20 ILCS 3960]. Nursing facilities rehabilitating a portion of the facility to conform with this Subpart B shall be allowed to bank their nursing facility beds until the conclusion of the project or until the facility wishes to withdraw from the project and convert the SLF beds back to NF beds.
- b) An SLF does not include:

- 1) A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois;
- 2) A "long term care facility" licensed by the Nursing Home Care Act or Hospital Licensing Act. However, a nursing facility licensed

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under the aforementioned Acts can convert a distinct part to an SLF. If the nursing facility elects to convert a distinct part, the facility retains the Certificate of Need for nursing beds that were converted;

- 3) Any "facility for child care" as defined in the Child Care Act of 1969 [225 ILCS 10];
- 4) Any "Community Living Facility" as defined in the Community Living Facilities Licensing Act [210 ILCS 35];
- 5) Any "community residential alternative" as defined in the Community Residential Alternatives Licensing Act [405 ILCS 30];
- 6) Any nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed of any well recognized church or religious denomination;
- 7) Any facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135];
- 8) Any "Supportive Residence" licensed under the Supportive Residences Licensing Act [210 ILCS 65];
- 9) Freestanding hospice facilities [210 ILCS 60]; or
- 10) A "life care facility" as defined in the Life Care Facilities Act [210 ILCS 40].

c) In order to participate in the Supportive Living Program, an SLF must be certified by the Department. Certification application forms may be obtained by contacting the Department. To become certified, an SLF shall:

- 1) Submit an application to proceed toward certification.
 - A) Except as provided in subsection (c)(1)(B) of this Section, applications shall be accepted on a first come, first served basis. The Department shall evaluate each accurate and complete application according to factors including, but not limited to, geographic distribution, waiver limits, the needs of the population being served, and the compliance histories of other facilities owned or operated in the State of Illinois by the applicant or a related party. Applications that are found to be incomplete or inaccurate shall not be evaluated and will be returned to the applicant with an explanation of the deficiencies. Such applications may be corrected and resubmitted to the Department for evaluation. The Department shall notify the applicant in writing that the application has been approved or the reasons for its denial.

- B) Providers holding contracts with the Department for the Supportive Living Program prior to the implementation of the certification provisions of this subsection (c) shall submit applications for the Department's records. Accurate and complete applications shall be approved upon receipt of the

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application and of proof of site control.

- C) The Department may withdraw approval of any application if the SLP fails to become operational (i.e., ready to admit residents) within 24 months after the Department's approval of the application. The applicant may make a written request that the Department grant an extension to the 24 months deadline. Written documentation justifying an extension must accompany the request. The Department may grant an extension in its sole discretion prior to expiration of the 24 months.
- D) At any time prior to or subsequent to certification, the applicant shall report to the Department in writing any change to the application, as soon as such change becomes known to the applicant.
- 2) Submit for approval sealed architectural plans, and any changes in those plans. For buildings that will be newly constructed or renovated, the sealed architectural plans shall be submitted prior to construction.
- 3) Submit for approval prior to use a model of every type of resident contract used by the SLP.
- c) In order to become certified by the Department, an SLP shall:
- 1) Be selected through the RPP process;
 - 2) Negotiate and execute a contract with the Department; and
 - 3) Submit a non-refundable \$500 application fee.
- d) In order to participate as an enrolled Medicaid provider, an SLP shall:
- 1) Be certified by the Department;
 - 2) Submit the following information to the Department at the time of initial enrollment and prior to any subsequent changes:
 - A) The name, address and telephone number of the owner, operator and management agent;
 - B) The name of each member of the governing body if the entity is government sponsored;
 - C) Proof of not-for-profit status if claiming tax-exempt status;
 - D) Names of any officers, directors, partners or members of a governing body who have financial interest of at least five percent in the SLP's operation;
 - E) Any related party as defined in Section 146-205;
 - F) Any owner or related party with a felony or criminal conviction;
 - G) The name of the individual responsible for the management of the SLP;
 - H) The address, mailing address and telephone number of the SLP where services will be provided;
 - I) The name and address of service providers contracting with the SLP;
 - J) The maximum number of apartments that the SLP has available

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- the number of apartments set aside for Medicaid and the number of apartments structured for two cohabitants.
- K) The maximum number of residents that the SLP has the capacity to serve at any one time.
- L) Sealed architectural plans, and any changes thereto, for new construction and renovation of an existing building. The Department, or its designee, shall review the sealed architectural plans for an existing facility that provides at least those services required under Section 146-230, and must approve such plans prior to enrolling the facility under the Medicaid Assistance Program.
- 4) Pass an on-site review, initially and annually thereafter, conducted by the Department or its designee, which includes review of:
- A) Documentation that demonstrates physical plant, health and sanitation, and food preparation compliance with local and county ordinances and regulations, compliance with current Fire and Life Safety standards for health care occupancy or the 1997 National Fire Protection Association Life Safety Code (NFPA) 101, Chapter 22, Residential Board and Care Occupancies, and State building codes for the respective building type and Section 146.210.
 - B) Assessment, service plan and the provision of services identified in Section 146-230 to ensure that resident needs are met.
 - C) Patterns to ensure that the SLP has on-site staff sufficient in number to meet the needs of residents. Staff shall demonstrate capacity within their job responsibilities to provide covered services and perform tasks.
 - D) Compliance with the Department's contract, provider agreement and resident contracts.
 - E) Grievance procedures.
 - F) Protection of individual rights and resident's involvement directing his or her own care.
 - G) Quality assurance policy and procedures established in accordance with Section 146.270.
 - H) Resident satisfaction surveys. The SLP shall conduct an annual resident satisfaction survey which shall be available for review by the Department or its designee. The resident satisfaction survey shall include but not be limited to whether the:
 - i) Residents have the opportunity to provide input into development and implementation of existing SLP policies and procedures;
 - ii) Existing SLP policies and procedures are clear to residents;
 - iii) Residents have access to existing SLP policies and procedures.

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- i) Residents have a degree of control over personal lifestyle preferences;
 v) Residents have access to common areas;
 w) Residents are satisfied with surroundings as home-like; and
 vii) Residents have the opportunity to exercise personal lifestyle preferences and direct services according to personal preferences (for example, meal choices and refusal of services).

d) The SLF shall execute a Medicaid provider agreement with the Department.

e) The SLF shall be willing to accept the SSI rate (less \$90 for personal allowance) for room and board for Medicaid residents. If the private and Medicaid rates are different, the SLF shall be willing to reserve not less than 25 percent of its apartments for Medicaid residents. Those facilities willing to set a commensurate rate for both private pay and Medicaid residents are not required to reserve apartments for Medicaid residents but must be willing to accept Medicaid residents on a first come, first served basis.

f) SLF certification is not transferable or applicable to any location, provider, management agent or ownership other than that indicated on the Medicaid provider agreement and contract.

1) The Department shall be notified 60 days prior to a change of ownership or management. Change of ownership means a change of five percent or more.

2) The Department has the right to terminate its provider agreement contract with the SLF if the change of ownership involves a barred Medicaid provider.

3) The new ownership shall comply with the applicable certification requirements found in this Section 146.215.

4) The Department shall conduct an on-site certification review not later than at the time of the next annual certification review or within three months after the effective date of the change of ownership.

5) SLF certification shall be deemed to extend to the new owner until the Department separately certifies the SLF under the new owner.

g) The certification issued by the Department shall include:

- 1) Name and address of the SLF;
 2) Name of the owner, operator and management agent for the housing and service entities involved in providing SLP services;
 2.3) Maximum number of residents to be served at any time; and
 3) Number of apartments certified in the SLF.

h) Providers certified for SLP shall not operate or maintain SLP housing and services in combination with a home health, home care, nursing home, hospital, residential care setting, congregate care setting or other type of residence or service agency unless those settings and services are licensed, maintained and operated as separate and

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distinct entities.

i) At least annually, the Department shall conduct an on-site review to ensure that the SLF is in compliance with the requirements of certification, which include review of:

- 1) Items listed in subsection (c)(4) of this Section.
 2) Assessment, service plan and the provision of services identified in Section 146.230 to ensure that resident needs are met.
 3) Patterns to ensure that the SLF has on-site staff sufficient in number to meet the needs of residents. Staff shall demonstrate capacity, within their job responsibilities, to provide covered services and perform tasks.
 4) Compliance with resident contracts and the Department's provider agreement.
 5) Protection of individual rights and a resident's involvement directing his or her own care.
 6) Resident satisfaction surveys. The SLF shall conduct an annual resident satisfaction survey that shall be available for review by the Department.

The resident satisfaction survey shall include, but not be limited to, whether the:

A) Residents have the opportunity to provide input into development and implementation of existing SLF policies and procedures;

B) Existing SLF policies and procedures are clear to residents;

C) Residents have access to existing SLF policies and procedures;

D) Residents have a degree of control over personal lifestyle preferences;

E) Residents have access to common areas;

F) Residents are satisfied with surroundings as "home-like"; and

G) Residents have the opportunity to exercise personal lifestyle preferences and direct services according to personal preferences (for example, meal choices and refusal of services).

j) Renewal of Certification

1) Unless the SLP is notified by the Department 30 days prior to termination of the contract, the certification is automatically renewed.

2) The Department shall refuse to renew a certification pursuant to Section 146.280, if the SLP is not in compliance with all applicable laws and statutes, ordinances, codes or Department rules and requirements for the SLP.

k) The SLF shall comply with enrollment conditions identified in 89 Ill. Adm. Code 140.11.

l) The SLF shall comply with the Americans with Disabilities Act of 1990.

1) The SLF shall submit to the Department all marketing materials prior

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to their use. If the Department does not notify the SLF of approval or disapproval of submitted materials within 30 days after submission, the SLF may begin to use those materials. The Department reserves the right to disapprove any materials or require changes at any time, provided that any such changes are consistent with, or required by, applicable law.

(Source: Amended at 24 Ill. Reg. 8353 - 2, effective JUN 1 2000)

Section 146.220 Resident Participation Requirements

a) The SLF may admit or retain Medicaid residents whose needs can be met through the services described in Section 146.230. These persons would typically have a score of 29-47 29-49 on the Determination of Need (DON) and need assistance in one or more activities of daily living. These persons must meet all of the following criteria:

- 1) Be age 22 years or over with a disability (as determined by the Social Security Administration) or elderly (age 65 years or over).
 - 2) Be screened by the Department or its designee and found to be in need of nursing facility level of care. Persons transferring from a nursing facility to an SLF must be screened prior to admission to an SLF and found to be in need of nursing facility level of care.
 - 3) Be without a primary or secondary diagnosis of developmental disability or chronic mental illness. (Developmental disability is defined as a disability which is attributable to mental retardation or a related condition.)
 - 4) Be certified by a physician as requiring the level of care provided in a supportive living facility.
 - 5) Have income no less than the current maximum allowable amount of Supplemental Security Income (SSI) for a single person. An individual sharing an apartment may qualify for SLF services if that individual has income equal to or greater than the individual's share of the SSI rate for a married couple.
- b) All private pay individuals seeking admission to an SLF shall be screened by the Department or its designee. Private pay individuals who choose to be admitted into an SLF when the screening assessment does not justify nursing facility level of care need not be denied access to the SLF. Private pay residents seeking to convert to Medicaid while residing in an SLF shall be screened prior to the point of conversion by the Department or its designee and shall be found to be in need of nursing facility level of care before Medicaid payment may be authorized.
- c) All individuals seeking admission to an SLF shall have documentation of a tuberculosis test administered in the three months prior to admission that indicates the absence of active tuberculosis.

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- d) The SLF shall encourage families of residents with impairments that limit the resident's decision making ability to arrange to have a responsible party or guardian represent the resident's interests. All residents shall be presented information by the SLF about advance directives including the Durable Power of Attorney for Health Care.
- e) A Medicaid resident of an SLF cannot participate in the Department on Aging's Community Care Program or the Department of Human Services' Home Services Program.

(Source: Amended at 24 Ill. Reg. 8353 - 3, effective JUN 1 2000)

Section 146.225 Reimbursement for Medicaid Residents

SLFs shall accept the reimbursement provided in this Section as payment in full for all services provided to Medicaid residents.

- a) Unless otherwise established by contract, SLFs shall be reimbursed according to this Section. The Department shall establish its portion of the reimbursement for Medicaid residents by calculating 60 percent of the weighted average (weighted by Medicaid patient days) nursing facility rates for the geographic grouping as defined in Section 146.230. Each SLF shall be paid 60 percent of the weighted average nursing facility geographic group rate, based upon the nursing facility geographic group in which it is located. The rates paid to SLFs shall be reviewed annually, and adjusted, if necessary, on October 1 to assure that the rates coincide with 60 percent of weighted average nursing facility geographic group rates.
- b) The payment rate received by the SLF from the Department for services, with the exception of meals, provided in accordance with Section 146.230 shall constitute the full and complete charge for services rendered. Additional payment, other than patient credits authorized by the Department, may not be accepted. Meals are included in the room and board amount paid by the resident.
- a) The Department shall establish its portion of the reimbursement for Medicaid residents of SLFs under contract with the SLFs in accordance with the following methodology: The following provisions apply to the methodology described in this subsection (a): The average reimbursement rate shall mean the arithmetic mean of the reimbursement rate for SLFs shall be determined by the Department using available data for nursing home residents who are comparable to residents who would qualify for admission into an SLF pursuant to Section 146.220.
- 1) Prestanding SLFs--The rate is calculated as follows:
- A) Step one: Determine the average reimbursement rate for residents of nursing facilities who are comparable to residents who qualify for admission into an SLF located in the same geographic region as defined in Section 146.230.
 - B) Step two: Deduct from the rate in step one the average amount contributed pursuant to 89 Ill. Adm. Code 150.61 by

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Medicaid residents toward their nursing facility care within that region:

E) Step three--Determine the product of 0.75 and the difference remaining in step two--The rate cannot exceed the calculated result in step three.

2) Rehabilitated Nursing Facilities--The reimbursement rate for rehabilitated nursing facilities shall not exceed the greater of: A) the reimbursement rate determined under subsection (a)(4) of this Section; or

B) the rate calculated as follows:

i) Step one--Determine the average reimbursement rate for residents of the nursing facility--being rehabilitated--who are comparable to residents who would qualify for admission into an SLP;

ii) Step two--Deduct from the rate in step one--the average amount contributed pursuant to 89-III--Adm. Code--120-61--by Medicaid residents--toward--their facility care within that region;

iii) Step three--Determine the product of 0.75 and the difference remaining in step two--The rate cannot exceed the calculated result in step three.

c) Single Occupancy: Each Medicaid resident of an SLP shall be allotted \$90 per month as a deduction from his or her income as a protected amount for personal use. The SLP may charge each Medicaid resident no more than the current SSI rate for a single individual less \$90 for room and board charges. Any income remaining after deduction of the protected \$90 and room and board charges shall be applied first towards medical expenses not covered under the Department's Medical Assistance Program. Any income remaining after that shall be applied to the charges for SLP services paid by the Department.

d) Double Occupancy: In the event a Medicaid eligible resident chooses to share an apartment, the Medicaid resident of an SLP shall be allotted \$90 per month as a deduction from his or her income as a protected amount for personal use. The SLP may charge each Medicaid resident no more than the resident's share of the current SSI rate for a couple less \$90 for room and board charges. The room and board rate for two Medicaid eligible individuals sharing an apartment cannot exceed the SSI rate for a married couple even if the two individuals sharing an apartment are unrelated. Any income of an individual remaining after deduction of the protected \$90 and room and board charges shall be applied first towards that individual's medical expenses not covered under the Department's Medical Assistance Program. Any income of an individual remaining after that shall be applied to that individual's charges for SLP services paid by the Department. If one, or both, of the individuals sharing an apartment is not Medicaid eligible, the SLP is free to negotiate its own rate with the non-Medicaid individual or individuals.

e) The room and board charge for Medicaid residents shall only be

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increased when the SSI amount is increased. Any room and board charge increase shall not exceed the amount of the SSI increase.

f) Payment No-SLP-payment shall be made by the Department for up to 30 days per State fiscal year during a Medicaid resident's temporary absence from the SLP when the absence is due to situations including but not limited to hospitalization or vacation. The resident shall continue to be responsible for room and board charges during any absence. Refer to Section 146.255(b) and (d)(7) for involuntary discharge criteria relating to temporary absence. Nursing facilities that have a distinct part certified as an SLP shall not consider converted beds in the nursing facility's licensed capacity when calculating the 93 percent occupancy level for bed reserve payment pursuant to 89 Ill. Adm. Code 140.523.

(Source: Amended at 24 Ill. Reg. 89 53 - 2, effective JUN 1 2000)

Section 146.230 Services

a) An SLP must combine housing, personal and health related services in response to the individual needs of residents who need help in activities of daily living. Supportive services shall be available 24 hours per day to meet scheduled and unscheduled needs in a way that promotes resident self-direction and participation in decisions that emphasize independence, individuality, privacy, dignity and autonomy in a residential setting.

b) The payment rate received by the SLP from the Department for services provided in accordance with this Section shall constitute the full and complete charge for services rendered--Additional payment other than patient credits authorized by the Department may not be accepted.

c) Nursing Services

1) The SLP shall provide for an assessment and service plan pursuant to Section 146.245, initially and annually thereafter, for each SLP resident.

2) When a resident is temporarily unable to administer his or her own medications, the medications shall be administered by a licensed nurse.

3) Nursing services shall include medication set-up (such as preparing weekly pill caddies with that week's medication) and follow-up care that is conducted by a licensed nurse.

4) Other nursing services include episodic and intermittent health promotion or disease prevention counseling and teaching self-care in meeting routine and special health care needs that can be done by other staff under the supervision of a registered nurse.

5) All nursing services shall be provided in accordance with the Illinois Nursing Act of 1987 [225 ILCS 65].

c) Personal Care

1) The SLP shall provide personal care services for residents,

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including but not limited to assistance with bathing, eating, dressing, personal hygiene, grooming, toileting, ambulation and transfer.

- 2) Upon request by the resident, the SLF shall assist in making medical appointments and arranging for transportation to and from the source of medical treatment (payment for medical transportation shall be made in accordance with 89 Ill. Adm. Code 140.490 through 140.492).

- 3) Personal care services shall be delivered by certified nursing assistants who meet the qualifications described in Section 146.235(f)(1).

d)et Medication Oversight and Assistance in Self-Administration

- 1) Reminding the resident to take his or her medications;
- 2) Taking medication from where it is stored in the apartment and handing it to the resident when requested to do so by the resident;

- 3) Opening or uncapping medication containers for physically impaired residents; and

- 4) Assisting physically impaired residents in the removal of the medication from the container and assisting the resident in consuming or applying the medication when requested to do so by the resident (i.e., placing a dose in a container and placing the container to the mouth of the resident).

e)ft Meals

- 1) The SLF shall provide three meals per day, or two meals per day (noon and evening meals) and a breakfast bar. The meals shall include therapeutic diets as ordered by a physician. The daily food allowance for each resident shall meet the basic food pattern for a general diet for an adult following the recommendations of the Food and Nutrition Board, National Research Council.

- 2) The SLF shall make available beverages, including coffee, fruit juice and snack foods. This may be accomplished through the use of vending machines.

- 3) The same menu options shall be offered to all residents regardless of payment source unless there are therapeutic diets ordered by a physician.

- 4) All menus served shall be kept on file for not less than four months.

- 5) Supplies of staple foods for a minimum of a one week period and of perishable foods for a minimum of a two day period shall be maintained on the premises. Supplies shall be appropriate to meet the requirements of the menu.

- 6) Records of all food purchased shall be kept on file for not less than 18 months.

- 7) The SLF shall store, prepare, distribute and serve food in a manner to protect against contaminants and spoilage and to insure the preparation and serving of food at safe and palatable

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temperatures.

- 8) The SLF shall provide and maintain clean and sanitary central kitchen and dining areas. The SLF shall ensure a sanitary and adequate supply of eating and drinking utensils and pots and pans for preparing food in the central kitchen and dining areas.

- 9) Residents shall be provided with written information about menu plans. Menu cycles shall not be repeated within a one week time frame. There shall be an established mechanism for residents to provide input into the selection and preparation of food.

- 10) Residents may obtain, prepare and store food in residential apartments if doing so does not represent a health or safety hazard to others.

- 11) Each resident shall be provided with meal service in his or her apartment as a time limited service during periods of documented illness.

f)gt Laundry

- 1) Laundry service shall be provided by the SLF if requested by a resident.

- 2) The SLF shall provide for the appropriate handling, cleaning, and storage of routine personal laundry, laundry soiled with body secretions and all other laundry. This includes all detergent and fabric softeners required to perform normal routine laundry service at no cost to the resident.

- 3) The SLF shall provide on-site laundry equipment for resident use in accordance with Section 146.210.

- 4) Laundry service does not include dry cleaning services.

g)ht Housekeeping

- 1) The SLF shall provide for general housekeeping services at least weekly (house cleaning, laundry, bed making, changing of linens, dusting and vacuuming).

- 2) All housekeeping services provided in residential apartments shall take into account individual habits and lifestyle preferences.

- 3) All public areas shall be maintained in a clean and orderly condition.

- 4) All bathing rooms shall be maintained in a clean and orderly condition.

h)it Maintenance

- 1) Residential apartments shall be maintained in good repair.

- 2) The building and grounds shall be maintained clean and free of hazards, with all systems maintained in good working order.

i)jt Social and Recreational Programming

- 1) The SLF shall facilitate the involvement of individual and community volunteer activities with and for residents.

- 2) The SLF shall provide programs at least twice weekly, which include on-site programs as well as off-site trips, allowing for social and recreational programs for the residents. Transportation shall be provided by the SLF for scheduled

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activities off-site.

- 3) The SLF shall provide access to opportunities for scheduled and unscheduled individual and group socialization within the SLF and in the larger community.

j) Ancillary Services

- 1) The SLF shall provide transportation for scheduled group shopping and other community and social activities.
- 2) The SLF shall assist a resident in obtaining needed and preferred services offered outside the SLF at his or her request.
- 3) When a resident is temporarily unable to shop, the SLF shall provide shopping assistance.

k) 24 Hour Response/Security Staff

- 1) Response/security staff shall be available on the premises 24 hours a day to respond to scheduled or unpredictable needs and emergency calls from residents. Staff shall possess certification in emergency resuscitation. The SLF shall provide one staff person for facilities with ten to 75 apartments, and a second staff person for facilities with 76 to 150 apartments.

- 2) Security shall be provided 24 hours a day and shall include lockable entrances (accessibility controlled by SLF staff for security purposes during overnight hours) and on-site personnel. All residents shall have 24 hour access.

- 3) Rehabilitated nursing facilities participating in SLF shall have separate staff on-site in the SLF.

l) Health Promotion and Exercise Programming

- 1) The SLF shall offer and encourage the use of health promotion and exercise programs for its residents.
- 2) The SLF shall develop programs to be held not less frequently than three times per week geared toward promoting better health and fitness of the residents. These programs are in addition to the social and recreational programming described in this Section.

m) Emergency Call System

- 1) At least two electronic devices shall be available in each apartment to enable the resident to secure help in an emergency. A one device shall be located in each bathroom and each bedroom. The second device shall be located in the bedroom.
- 2) Electronic devices shall be available in each common area, each public restroom, each common bathing room and each laundry room for resident use to enable residents to secure help in an emergency.

(Source: IN 12/00 Amended at 24 Ill. Reg. 8353 effective 7)

Section 146.235 Staffing

- a) The SLF shall ensure that a manager shall be at the SLF during normal

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business hours plus whenever necessary to ensure attention to the management and administration of the resident's licensee at all times.

- b) The manager shall have at least five years experience in providing health care services to adults with disabilities or the elderly population either in an assisted living program, inpatient hospital, long term care setting, adult day care or in a Department approved health related field. The manager shall also have at least two years of progressive management experience.

- c) Licensed and certified staff sufficient in number to meet the needs of residents in conjunction with the contractual agreements shall be provided.

- d) Nursing facility staff may be utilized in a rehabilitated nursing facility but may not be on duty in both the nursing facility and SLF at the same time.

- e) Staff and subcontractors shall receive documented training by qualified individuals in their area or areas of responsibility. Training shall be geared toward the manner in which services are to be performed and include techniques for working with persons with disabilities and the elderly populations. This training may have occurred prior to employment with the SLF or may occur after employment begins. In any case, the training shall take place no later than 30 days after beginning employment with the SLF. Staff shall be provided with and the SLF shall provide evidence of semi-annual training in areas related to their employment. All training materials shall be available for review by the Department.

- f) The SLF shall employ certified nursing assistants who are at least 18 years of age and comply with the following:

- 1) Qualifications:
Must have successfully completed, or be enrolled in and actively pursuing completion of, a nursing assistant training course or a Department of Public Health approved equivalent training and competency evaluation.
- 2) Job responsibilities shall include, but not be limited to:
A) Follow and help carry out a resident's written service plan;
B) Provide personal care services for residents, including but not limited to bathing, eating, dressing, personal hygiene, grooming, toileting, ambulation and assistance with transfer;
C) Observe the resident's functioning, maintain written records of the observations and report any changes to the licensed nurse; and
D) Attend initial training, in-service training sessions and staff conferences.
- g) At a minimum, the SLF shall contract with a dietitian who shall come on-site at least twice per quarter for a period of not less than a cumulative total of eight hours. The dietitian shall comply with the following:

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- 1) The dietitian is a person who is a licensed dietitian as provided in the Dietetic and Nutrition Services Practice Act [225 ILCS 30].
- 2) Job responsibilities shall include, but not be limited to, consultation and training in all food service procedures such as menu planning and review, food preparation, food storage, food service, safety, sanitation and management of therapeutic diets.
- h) The SLF shall employ a minimum of one cook who shall have at least one year of experience in commercial food preparation.
- i) Twenty-four hour response staff shall be at least 18 years of age with a high school diploma or a GED. Response staff shall possess certification in emergency resuscitation. The staff shall respond to scheduled or unpredictable needs and emergency calls from residents.
- j) Nurses on staff, or subcontracted for, shall be licensed by the State of Illinois and shall be responsible for nursing services set forth in Section 146.230.
- k) The SLF shall designate a trained staff person to be responsible for planning and directing social and recreational activities. This person shall be at least 18 years of age with a high school diploma or a GED.
- 1) All certified nursing assistants shall have a criminal history background check that conforms to the Health Care Worker Background Check Act [225 ILCS 46]. No SLF shall knowingly hire, employ or retain any individual in a position, with duties involving direct care for residents, who has been convicted of committing or attempting to commit one or more of the offenses defined under the Health Care Worker Background Check Act unless that individual has obtained a waiver issued by the Department of Public Health. An SLF may conditionally employ an applicant to provide direct care for up to three months pending the results of the criminal history record check.

(Source: Amended at 24 Ill. Reg. 8353, effective JUN - 1/2000)

Section 146.245 Assessment and Service Plan and Quarterly Evaluation

- a) Assessment: The SLF provider shall conduct a standardized interview geared toward the resident's service needs at or before the time of occupancy. The SLF shall complete an initial assessment within 24 hours after of admission that identifies potential immediate problems and annually thereafter. The SLF shall complete a comprehensive assessment within 14 days after admission and annually thereafter. Each the assessment shall be completed by, or co-signed by, a registered nurse.
- b) Service Plan: Within seven days after completion of the comprehensive assessment, a written service plan shall be developed by, or co-signed by, a registered nurse, with input from the resident and his or her designated representative. A written service plan shall be developed

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- within seven days after completion of the assessment by, or co-signed by, a registered nurse, with input from the resident and his or her designated representative. The service plan shall include a description of expected outcomes, approaches, frequency and duration of services provided and whether the services will be provided by licensed or unlicensed staff. The service plan shall document any services recommended by the SLF that are refused by the resident. The service plan shall be reviewed and updated in conjunction with the quarterly evaluation or as dictated by changes in resident needs or preferences.
- c) Quarterly Evaluation: A quarterly evaluation of the health status of each resident using a Department designated form or the MDS quarterly shall be completed by, or co-signed by, a registered nurse.
- d) The SLF shall have procedures in place to alert the resident, his or her physician and his or her representative, as designated, when a change in a resident's mental or physical status is observed by staff. Such reporting shall be within 24 hours after observation. The SLF staff shall be responsible for reporting only those changes that should be apparent to observers familiar with the conditions of older persons and persons with disabilities.

(Source: Amended at 24 Ill. Reg. 8353, effective JUN - 1/2000)

Section 146.255 Discharge Criteria

- a) If a resident does not meet the terms for occupancy as stated in the resident contract, discharge proceedings shall not commence until there has been discussion with the resident and his or her designated representative concerning the reason for involuntary discharge.
- b) The SLF shall provide a resident with 30 days written notice of proposed discharge unless such a delay might jeopardize the health, safety, and well-being of the resident or others. An SLF may provide the 30 day written notice on the first day of an unpaid temporary absence or at any point during the unpaid temporary absence.
- c) The SLF shall prepare plans to ensure safe and orderly discharge and protect resident health, safety, welfare and rights.
- d) A resident may be involuntarily discharged only if one or more of the following occurs:
 - 1) He or she poses an immediate threat to self or others.
 - 2) He or she needs mental health services to prevent harm to self or others.
 - 3) He or she has breached the conditions of the resident contract.
 - 4) The SLF has had its certification terminated, suspended, not renewed, or has voluntarily surrendered its certification.
 - 5) The SLF cannot meet the resident's needs with available support services.
 - 6) The resident has received proper notice of failure to pay by the

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SLF. This subsection (d)(6) does not apply to Medicaid residents when the failure to pay relates to the Medicaid payment.

- 7) The resident exceeds the SLF's policy for what constitutes a temporary absence from the SLF. A temporary absence shall not be considered a basis for an involuntary discharge of a Medicaid resident until the Department has stopped payment pursuant to Section 146.225(f) until--the--SLF--has--gone--no--less--than--30 consecutive--days--without--reimbursement--for--covered--services--

- e) The notice required in subsection (b) of this Section shall not apply in any of the following instances:

- 1) When an emergency discharge is mandated by the resident's health care or mental health needs and is in accord with the written orders and medical justification of the attending physician.
- 2) When the discharge is mandated to ensure the physical safety of the resident and other residents as documented in the resident record.

- f) The notice required in subsection (b) of this Section shall be on a form prescribed by the Department and shall contain all of the following:

- 1) The stated reason for the proposed discharge;
- 2) The effective date of the proposed discharge;
- 3) A statement in not less than 14-point type, which reads: "You have a right to appeal the SLF's decision to discharge you. You may file a request for a hearing with the Department within ten days after receiving this notice. If you request a hearing, you will not be discharged during that time unless you are unsafe to yourself or others. If the decision following the hearing is not in your favor, you will not be discharged prior to the tenth day after receipt of the Department's hearing decision unless you are unsafe to yourself or others. A form to appeal the SLF's decision and to request a hearing is attached. If you have any questions, call the Department at the telephone number listed below.";
- 4) A hearing request form, together with a postage paid, preaddressed envelope to the Department; and
- 5) The name, address, and telephone number of the person charged with the responsibility of supervising the discharge.

- g) A request for hearing made under subsection (f) of this Section shall stay a discharge pending a hearing or appeal of the decision, unless a condition which would have allowed discharge in less than 30 days as described under subsections (e)(1) and (2) of this Section develops in the interim.

- h) A copy of the notice required by subsection (b) of this Section shall be placed in the resident's record and a copy shall be transmitted to the resident and the resident's designated representative.

- i) When nonpayment is the basis for involuntary discharge, the resident shall have the right to redeem up to the date that the discharge is to be made and then shall have the right to remain in the SLF.

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- j) In determining whether a discharge is justified, the burden of proof in the hearing rests with the entity requesting the discharge.

- k) If the Department determines that a discharge is justified under subsection (d) of this Section, the resident shall not be required to leave the SLF before the tenth day after receipt of the Department's hearing decision unless a condition which would have allowed discharge as described under subsections (e)(1) and (2) of this Section develops in the interim.

- l) The SLF shall offer relocation assistance to residents discharged under this Section, including information on available alternative placements. A resident or his or her designated representative shall be involved in planning the discharge and shall choose among the available alternative placements. Where an emergency makes prior resident involvement impossible, the SLF may arrange for a temporary placement until a final placement can be arranged. The SLF may offer assistance in relocating from a temporary to a final placement.

- m) When a resident discharges on a voluntary basis, he or she shall provide the SLF with 30 days written notice of intent to discharge, except where a delay would jeopardize the health, safety, and well-being of the resident or others.

- n) In cases of discharge under subsection (d), (e), (m) or (o) of this Section, the resident is no longer bound by the resident contract.

- o) The Department may discharge any resident from an SLF when any of the following conditions exist:

- 1) The Department has terminated or suspended the SLF certification.
- 2) The SLF is closing or surrendering its certification and arrangement for relocation of the resident has not been made at least 30 days prior to closure or surrender.
- 3) The Department determines that an emergency exists which requires immediate discharge of the resident.

- p) In the event of a Department initiated discharge, the Department may offer relocation assistance to residents. A resident or his or her designated representative shall be involved in planning the discharge and shall choose among the available alternative placements.

(Source: Amended at 24 Ill. Reg. 8353, effective JUN 1 2000)

Section 146.290 Geographic Groups Areas

These geographic groups areas define boundaries, according to counties, that are used in rate setting for supportive living facilities.

- a) Chicago -- City-of-Chicago Cook (including the city of other--than Chicago), DuPage, Kane, Lake and McHenry.
- b) South Suburb -- Grundy, Kankakee, Kendall and Will.
- c) South -- Alexander, Clay, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Perry, Pope, Pulaski, Randolph,

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- Richland, Saline, Union, Wabash, Washington, Wayne, White and Williamson.
- d) St. Louis -- Bond, Clinton, Madison, Monroe and St. Clair.
- e) Central -- Bureau, Champaign, Clark, Coles, Cumberland, Dewitt, Douglas, Edgar, Ford, Fulton, Henderson, Iroquois, Knox, LaSalle, Livingston, Macon, Marshall, McDonough, McLean, Moultrie, Peoria, Piatt, Putnam, Shelby, Stark, Tazewell, Vermilion, Warren and Woodford.
- f) West Central -- Adams, Brown, Calhoun, Cass, Christian, Greene, Hancock, Jersey, Logan, Macoupin, Mason, Menard, Montgomery, Morgan, Pike, Sangamon, Schuyler and Scott.
- g) Northwest -- Boone, Carroll, DeKalb, Henry, Jo Daviess, Lee, Mercer, Ogle, Rock Island, Stephenson, Whiteside and Winnebago.

(Source: Amended 2000 at 24 Ill. Reg. 8353-3, effective

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULE

- 1) Heading of the Part: Voluntary TeleFile Program

- 2) Code Citation: 86 Ill. Adm. Code 770

- | <u>Section Numbers</u> | <u>Adopted Action:</u> |
|------------------------|------------------------|
| 770.100 | New Section |
| 770.110 | New Section |
| 770.120 | New Section |
| 770.130 | New Section |
| 770.140 | New Section |
| 770.150 | New Section |

- 4) Statutory Authority: 20 ILCS 2505/39c-1a

- 5) Effective Date of Rulemaking: June 2, 2000

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: December 3, 1999, 23 Ill. Reg. 14117

- 10) Has JCAR issued a Statement of Objection to this rulemaking? No

- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made included grammar and punctuation or technical changes. Substantive changes were made at JCAR's request to limit this program to returns only.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rulemaking currently in effect?
No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: This rulemaking creates a system whereby taxpayers may voluntarily file certain returns through the use of a touch-tone telephone (Telefile). Form 97-1 Sales and Use Tax Return is currently the only return listed among the types of returns that can be voluntarily filed under this program. These rules have been designed to allow the Department to add other types of returns to this program in the

DEPARTMENT OF REVENUE

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future.

- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Terry D. Charlton
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6996

The full text of the adopted rulemaking begins on the next page:

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NOTICE OF ADOPTED RULE

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 770

VOLUNTARY TELEFILE PROGRAM

Section	TeleFile Program
770.100	Exclusions from Telefile
770.110	How to Participate
770.120	Personal Identification Number (PIN)
770.130	Confirmation Numbers
770.140	Due Dates and Date Received
770.150	

AUTHORITY: Implementing and authorized by Section 39c-1a of the Civil Administrative Code of Illinois [20 ILCS 2505/39c-1a].

SOURCE: JUN - 2 1988 at 24 Ill. Reg. 83 84 - 2, effective

Section 770.100 TeleFile Program

- a) The Department has created a voluntary TeleFile program for certain tax returns. The Department will notify potential participants that they may voluntarily participate in the TeleFile program and TeleFile any of the returns listed in subsection (c) of this Section.
- b) "TeleFile" consists of a taxpayer using a touch-tone telephone to call a telephone number provided by the Department and reporting return information through the use of the number keys on the touch-tone telephone in response to an automated voice prompt system.
- c) The following type of return may be filed through the use of this TeleFile program: Form ST-1 Sales and Use Tax Return.
- d) The Department reserves the right to limit the number of participants in this TeleFile program if the level of participation either exceeds or is expected to exceed the Department's resources available for the program.
- e) Requirements for participation in the Telefile program:
- 1) The taxpayer must have on file with the Department of Revenue a properly completed Form NUC-1 Illinois Business Registration with an individual listed as the person responsible for the filing of the returns and the payment of taxes due;
 - 2) The taxpayer must be a single-site filer (has only one Illinois location from which retail sales are made); and
 - 3) The taxpayer must not be required to make quarterly monthly payments under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act, or the Service Use Tax Act.

Section 770.110 Exclusions from TeleFile

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The following types of returns are excluded from this TeleFile program:

- a) Returns that are not listed in subsection (c) of Section 770.100 of this Part.
- b) Returns listed in subsection (c) of Section 770.100 of this Part that require additional forms or schedules, or that require the reporting of information that the Department is unable to currently accept through the TeleFile program.

Section 770.120 How to Participate

- a) After receiving the necessary information packet from the Department, participants must call the telephone number provided to potential participants.
- b) Participants must enter their Illinois Business Tax number (IBT number) and a Personal Identification Number (PIN) issued by the Department that will allow them access to the TeleFile system.
- c) Participants will enter their information in accordance with the TeleFile instruction sheet provided by the Department through the use of the number keys on a touch-tone telephone in response to an automated voice prompt system.
- d) At the end of a successfully completed TeleFile filing, the automated voice prompt system will confirm the return has been filed with the Department by issuing a confirmation number as provided in Section 770.140 of this Part.
- e) Any balance due on a return filed through the use of TeleFile must be paid by the due date in the same manner as if the return was filed in a paper format. For example, a check for the proper amount due may be mailed to the Department or payment may be made through the use of electronic funds transfer (see 86 Ill. Adm. Code 750).
- f) Participants using the TeleFile system cannot recall or intercept a return that has been filed using the TeleFile system after that return has been confirmed as received. Participants wishing to make any changes to a return that has been filed using the TeleFile system must file an amended return in a paper format.

Section 770.130 Personal Identification Number (PIN)

- a) Potential participants that have listed an individual and provided that individual's signature on the taxpayer's registration form as being responsible for the filing of returns and payment of the tax for that taxpayer may be issued a PIN by the Department.
- b) The PIN issued by the Department, when utilized by the participant in combination with the participant's IBT number, will be used as the responsible person's electronic signature on the return that is filed through use of the TeleFile program. The use of the PIN in combination with the IBT number has the same legal effect as if the taxpayer had signed the return that is a part of that TeleFile filing.
- c) Participants are responsible for notifying the Department when the

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person listed and whose signature appears on the Department's records as being responsible for the filing of returns and payment of the tax for that taxpayer no longer has that responsibility or authority on behalf of the taxpayer. Upon such notification, the Department will void that PIN. When the Department receives the necessary information regarding the person who is responsible for the filing of returns and payment of the tax for that taxpayer, the Department will issue a new PIN to that participant.

- d) The participant is responsible for the security and safekeeping of the PIN. Participants must notify the Department if the security of the PIN has been compromised or a new responsible person has been appointed as required in subsection (c) of this Section. Upon such notification, the Department will void that PIN and a new PIN will be issued.

Section 770.140 Confirmation Numbers

- a) Upon successfully entering all of the required return information using the number keys on a touch-tone telephone, the participant will be given a confirmation number by the automated voice prompt system. A separate confirmation number will be given to the participant for each return that is successfully filed using the TeleFile system.
- b) Participants must maintain a record of the confirmation numbers in order to establish that the returns were received by the Department on the dates that the confirmation numbers were issued.
- c) Failure to receive a confirmation number means that the return was not filed using the TeleFile system.
- d) When an eligible return has not been confirmed after three attempts, the participant should contact the Department for assistance by calling the telephone number provided in the Department's TeleFile information packet.

Section 770.150 Due Dates and Date Received

- a) The date that the telephone call is completed and a confirmation number is issued by the automated voice prompt system is the received date for the return to which the confirmation number relates. For example, if a telephone call is initiated on one date and completed on another date, the date that the telephone call is completed is the date of filing. The confirmation number must be received and the telephone call must be completed by 11:59 p.m. CST (adjusted for Daylight Savings Time) on that date for the return to be considered filed on that date.
- b) Returns that are filed through the use of TeleFile after the date that they are due will result in penalties for late filing as provided in 86 Ill. Adm. Code 700.300.

STATE OF ILLINOIS TREASURER

NOTICE OF ADOPTED RULES

1) Heading of the Part: Capital Crimes Litigation Trust Fund

2) Code Citation: 74 Ill. Adm. Code 725

3) Section Numbers:	Adopted Action:
725.5	New
725.10	New
725.20	New
715.30	New

4) Statutory Authority: 725 ILCS 5/101-15

5) Effective Date of Rulemaking: May 30, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? Yes

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 24 Ill. Reg. 221, January 7, 2000

10) Has JCAR issued a Statement of Objection to these rules? No

11) Differences between proposal and final version: A new section was added that allows for the State Treasurer to report to the General Assembly any unexpended balance of funds of the grant recipient. In the record requirements section, the word "agreement" was changed to "application".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Rule covers the requirements of the Cook County State's Attorney and the Cook County Public Defender to file separate grant applications each fiscal year with the State Treasurer for a grant from the Capital Litigation Trust Fund. Rule requires the Cook County Treasurer to file a monthly report with the State Treasurer providing information on how the grant was utilized and the amount of the grant remaining. The Cook County Treasurer, as the grant recipient, shall be required to maintain adequate books and documentation related to the expenditure of the grants. Rule allows the State Treasurer to report to

STATE OF ILLINOIS TREASURER

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the General Assembly any unexpended balance of funds of the grant recipient.

16) Information and questions regarding these adopted rules shall be directed to:

Matthew Clarke
Office of the Illinois State Treasurer
100 W. Randolph Street, Suite 15-600
Chicago, Illinois 60601
(312) 814-8950

The full text of the adopted rules begins on the next page:

STATE OF ILLINOIS TREASURER

NOTICE OF ADOPTED RULES

TITLE 74: PUBLIC FINANCE
CHAPTER V: TREASURER

PART 725

CAPITAL CRIMES LITIGATION TRUST FUND

Section

725.5 Grant Application

725.10 Report Requirements

725.20 Record Requirements

725.30 State Treasurer's Report Requirements

AUTHORITY: Implementing and authorized by Section 15 of the Capital Crimes Litigation Trust Fund Act [725 ILCS 5/101-15].

SOURCE: Adopted by emergency rule at 24 Ill. Reg. 354, effective January 1, 2000, for a maximum of 150 days; adopted at 24 Ill. Reg. 8389, effective MAY 30 2000.

Section 725.5 Grant Application

- a) In each State fiscal year, the Cook County State's Attorney and the Cook County Public Defender shall each make a separate application to the State Treasurer for a grant from the Capital Litigation Trust Fund. The form shall be created and provided by the State Treasurer's office.
- b) The State Treasurer, based on the grant application, shall make grants to the Cook County Treasurer from the Capital Litigation Trust Fund. Grants shall be made as soon as possible after the beginning of the State fiscal year.
- c) The amount of each grant shall be equal to the amount that has been appropriated to the State Treasurer from the General Assembly for the Capital Litigation Trust Fund for grants to be made by the State Treasurer to the Cook County Treasurer.

Section 725.10 Report Requirements

- a) The Cook County Treasurer, as the grant recipient, shall report on a monthly basis the following to the State Treasurer:
 - 1) how much of each grant has been expended;
 - 2) how much of each grant is remaining; and
 - 3) the purpose for which any grant money has been used.
- b) The monthly reports to the State Treasurer by the Cook County Treasurer shall contain a certification that the expenditures of the funds have been made for expenses that are reasonable, necessary, and appropriate for payment from the Trust Fund.
- c) The Cook County Treasurer shall keep funds in separate accounts for the Cook County State's Attorney, the Cook County Public Defender, and

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appointed trial lawyers other than the Cook County Public Defender.

Section 725.20 Record Requirements

- a) The Cook County Treasurer shall maintain, for a minimum of five years after an expenditure is made, adequate books, records, and supporting documents to verify the following:
 - 1) the amount of funds received;
 - 2) the recipients of the funds; and
 - 3) the purpose of all disbursements of funds in conjunction with the application.
- b) All books, records, and supporting documentation related to expenditure of grants shall be available for review by the State Treasurer and the Auditor General.
- c) As generally accepted accounting principles, the Treasurer incorporates by reference "Accounting Standards" of the Financial Accounting Standards Board, 401 Merritt 7, Norwalk, Connecticut 06856, (203)847-0700, as of January 1, 2000, no subsequent dates or editions.

Section 725.30 State Treasurer's Report Requirements

The State Treasurer as necessary shall report to the General Assembly any unexpended balance of funds of the grant recipient.

STATE OF ILLINOIS TREASURER

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Procurement
- 2) Code Citation: 44 Ill. Adm. Code 1400
- 3) Section Numbers: 1400.2020 Adopted Action: Amendment
- 4) Statutory Authority: Section 1-30 of the Illinois Procurement Code [30 ILCS 500/1-30]
- 5) Effective Date of Rulemaking: May 30, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 24 Ill. Reg. 221, January 7, 2000
- 10) Has JCARE issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCARE been made as indicated in the agreements issued by JCARE? Yes
- 13) Will this rulemaking replace an emergency amendment currently in effect?
Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of the Amendments: This amendment to the Treasurer's procurement rules will increase the threshold above which the Treasurer's procurement rules apply to the purchase of supplies from \$10,000 to \$25,000.
- 16) Information and questions regarding this adopted amendment shall be directed to: Matthew Clarke
Office of the Illinois State Treasurer
100 W. Randolph Street, Suite 15-600
Chicago, Illinois 60601
(312) 814-8950

The full text of the adopted amendment begins on the next page:

STATE OF ILLINOIS TREASURER

NOTICE OF ADOPTED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENTS, AND PROPERTY
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER 21: TREASURER

PART 1400
PROCUREMENT

SUBPART A: GENERAL

Section	Title
1400.505	Policy
1400.510	Applicability
1400.515	Definition of Terms
1400.520	Property Rights
1400.525	Department of Central Management Services
1400.530	

SUBPART B: PROCUREMENT AUTHORITY

Section	
1400.1005	Chief Procurement Officer
1400.1010	Purchasing Officer
1400.1015	Small Business Specialist

SUBPART C: PUBLICATION, SOLICITATION AND DOCUMENTATION

Section	
1400.1505	Publication
1400.1510	Solicitation
1400.1515	Documentation

SUBPART D: PROCUREMENT METHODS

Section	
1400.2005	Competitive Sealed Bidding
1400.2010	Multi-Step Sealed Bidding
1400.2015	Competitive Sealed Proposals
1400.2020	Small Purchases
1400.2025	Sole Source Procurements
1400.2030	Emergency Procurements
1400.2035	Procurement of Professional and Artistic Services
1400.2040	Procurement of Real Property Leases
1400.2045	Other Methods of Source Selection

SUBPART E: GENERAL PROCUREMENT GUIDELINES

Section	
1400.2505	General Provisions

STATE OF ILLINOIS TREASURER

NOTICE OF ADOPTED AMENDMENTS

1400.2510 Tie Bids and Proposals
1400.2515 Correction or Withdrawal of Proposals
1400.2520 Cancellation of Solicitations and Rejection of Offers

SUBPART F: SPECIFICATIONS AND SECURITY REQUIREMENTS

Section
1400.3005 Specifications
1400.3010 Security Requirements

SUBPART G: CONTRACTS

Section
1400.3505 Types of Contracts
1400.3510 Duration of Contracts
1400.3515 Contract Pricing
1400.3520 Contract Provisions
1400.3525 Prevailing Wage Requirements

SUBPART H: DISPUTES, PROTESTS AND CONTROVERSIES

Section
1400.4005 Disputes and Protests Regarding Solicitations and Awards
1400.4010 Contract Controversies
1400.4015 Remedies
1400.4020 Suspension

SUBPART I: PREFERENCES

Section
1400.4505 Procurement Preferences
1400.4510 Resident Vendor Preference
1400.4515 Soybean Oil-based Ink
1400.4520 Recycled Materials
1400.4525 Recycled Paper
1400.4530 Correctional Industries
1400.4535 Sheltered Workshops for the Disabled
1400.4540 Gas Mileage
1400.4545 Illinois Agricultural Products
1400.4550 Corn-based Plastics
1400.4555 Vehicles Powered by Agricultural Commodity-based Fuel
1400.4560 Small Businesses
1400.4565 Preferences for Veterans, Minorities, Females, and Persons with Disabilities

SUBPART J: ETHICS

Section

STATE OF ILLINOIS TREASURER

NOTICE OF ADOPTED AMENDMENTS

1400.5005 Purpose
1400.5010 Bribery
1400.5015 Felons
1400.5020 Conflicts of Interest
1400.5025 Negotiations for Future Employment
1400.5030 Revolving Door
1400.5035 Disclosure of Financial Interests and Potential Conflicts of Interest
1401.5040 Reporting Anticompetitive Practices
1400.5045 Confidentiality
1400.5050 Insider Information
1400.5055 Additional Provisions
1400.5060 Other Violations
1400.5065 Supply Inventory

SUBPART K: CONCESSIONS

Section
1400.5505 Concessions

SUBPART L: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section
1400.6005 Severability
1400.6010 Government Furnished Property
1400.6015 Inspections
1400.6020 No Waiver of Sovereign Immunity
1400.6025 Postage Stamps
1400.6030 Printing
1400.6035 Annual Reports

AUTHORITY: Implementing and authorized by Section 1-30 of the Illinois Procurement Code [30 ILCS 525/1-30].

SOURCE: Adopted by emergency rule at 22 Ill. Reg. 13169, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 15644, effective August 24, 1998; amended by emergency rule at 24 Ill. Reg. 358, effective January 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 8393, effective MAY 30 2000.

SUBPART D: PROCUREMENT METHODS

Section 1400.2020 Small Purchases

a) Application

Any individual procurement of supplies that does not exceed \$25,000 \$10,000 or any individual procurement of professional or artistic services for a nonrenewable term of less than one year that does not

STATE OF ILLINOIS TREASURER

NOTICE OF ADOPTED AMENDMENTS

exceed \$20,000, may, at the discretion of the Chief Procurement Officer, be made without notice, competition, publication, or use of any prescribed method of source selection.

- b) Adjustment
- c) Each July 1, the small purchase maximum established in subsection (a) will be adjusted for inflation as determined by the Consumer Price Index for All Urban Consumers as determined by the United States Department of Labor and rounded to the nearest \$100.
- d) In determining whether a contract is under the limit, the value of the contract for the full term and any optional renewals, as well as the stated value of the goods or services plus any optional goods and services, must be utilized. Where the term is calculated month-to-month or in a similar fashion, the amount must be calculated for a twelve-month period.
- e) Procurement requirements must not be artificially divided to avoid using one of the other source selection methods described in this Part.
- f) If, after signing the contract, the actual need is determined to be more than the limits provided in this Section, and the Chief Procurement Officer determines that procurement is not appropriate, the Chief Procurement Officer may follow the procedures for sole source or emergency procurement, if applicable, to obtain the additional supplies or services.

(Source: Amended at 24 Ill. Reg. 8393, effective MAY 30 2000)

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) Section Numbers: 1040.105
Emergency Action
New Section
- 4) Statutory Authority: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].
- 5) Effective Date of Emergency Amendment: June 2, 2000
- 6) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This Emergency Amendment will not expire before the end of the 150-day period.
- 7) Date filed in Agency's Principal Office: June 2, 2000
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Reason for Emergency: The reason for this emergency amendment is to implement the recently enacted Public Act 91-277 that gives the Tollway Authority pursuant to subsection (a-5) of Section 10 of the Toll Highway Act to send a notice of impending suspension of drivers licenses and/or vehicle registrations of drivers who have unsatisfied fines or penalties for toll violations or evasions.
- 10) A Complete Description of the Subject and Issues Involved: Sections 2-104(b) and 6-521(a) of the Illinois Vehicle Code vest the Secretary with broad powers to promulgate rules for the administration of the driver's licensing procedures.
- 11) Are there any proposed amendment to this Part pending? No
- 12) Statement of Statewide Policy Objectives: These amendments will not require any new expenditures by units of local government.
- 13) Information and questions regarding this Emergency Amendment shall be directed to:

Robert W. Mueller
Assistant General Counsel

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

Department of Driver Services
2701 S. Dirksen Parkway
Springfield IL 62723
217-782-5356

The full text of the emergency amendment begins on the next page.

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NOTICE OF EMERGENCY AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1040

CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

Section	
1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.29	2 or More Traffic Offenses Committed within 24 Months by a Person Under the Age of 21 Years
1040.30	3 or More Traffic Offenses Committed Within 12 Months
1040.31	Operating A Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33	Suspension or Revocation of Driver's Licenses/permits for Fictitious or Unlawfully Altered Person-with-Disabilities License Plate or Parking Decal or Device or Fraudulent Person-with-Disabilities License Plate or Parking Decal or Device
1040.35	Commission of an Offense Requiring Mandatory Revocation or Discretionary Suspension or Revocation Upon Conviction
1040.36	Suspension for Violation of Restrictions on Driver's License
1040.37	Suspension for Violation of Restrictions on Instruction Permit
1040.38	Commission of a Traffic Offense in Another State
1040.40	Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew Violations
1040.42	Fleeing and Eluding
1040.43	Illegal Transportation
1040.46	Fatal Accident and Personal Injury Suspensions or Occupational Vehicle Emission Suspensions
1040.48	Suspension of License of Commercial Vehicle Driver
1040.50	Driver Remedial Education Course
1040.52	Suspension for Driver's License Classification Violations
1040.55	Release of Information Regarding a Disposition of Court Supervision Offenses Occurring on Military Bases
1040.60	Invalidation of a Restricted Driving Permit
1040.65	Problem Driver Pointer System
1040.70	Cancellation of Driver's License Upon Issuance of a Handicapped Identification Card
1040.80	Rescissions
1040.100	Reinstatement Fees
1040.101	Bankruptcy for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions
1040.102	Suspension for 5 or More Tollway Violations and/or Evasions
1040.105	EMERGENCY

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing

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NOTICE OF EMERGENCY AMENDMENT

Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1977; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective April 13, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days.

Section 1040.105 Suspension for 5 or More Tollway Violations and/or Evasions

EMERGENCY

a) For purposes of this Section, the following definitions shall apply:

"Authority" - Illinois State Toll Highway Authority

"Department" - Department of Driver Services within the Office of

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

the Secretary of State

"Tollway Suspension" - suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, as outlined in subsection (a-5) of Section 10 of the Toll Highway Act [605 ILCS 10/10(a-5)].

"Rescind" - to make void, repeal or annul.

"Department of Administrative Hearings" - Department of Administrative Hearings within the Office of the Secretary of State.

b) The Department shall suspend the driver's license and/or driving privileges of any person named on a certified report from the Authority notifying the Department of 5 or more unsatisfied tollway violations, tollway evasions or any combination thereof.

c) The Department shall terminate the suspension upon receipt of a certified report from the Authority indicating that the fines and penalties have been satisfied. Prior to the return of a driver's license or issuance of a driver's license the person is required to pay a reinstatement fee pursuant to Section 6-118(b) of the Illinois Vehicle Code [625 ILCS 5/6-118(b)].

d) The Department shall rescind the suspension:

- 1) upon receipt of certified evidence from the Authority indicating the certified report was in error; or
- 2) if the Department received certified evidence indicating that the final disposition was entered prior to the effective date of the suspension; or
- 3) upon receipt of a formal order from the Department of Administrative Hearings directing the Department to rescind the suspension.

e) The Authority shall reimburse the Department in the amount of \$20 per certification from the Authority to suspend the driver's license and/or driving privileges, in order to cover reasonable costs incurred by the Secretary.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days)

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NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Commercial Driver Training Schools

2) Code Citation: 92 Ill. Adm. Code 1060

<u>Section Numbers:</u>	<u>Emergency Action</u>
1060.50	Amendment
1060.110	Amendment
1060.180	Amendment
1060.190	Amendment
1060.200	Amendment

4) Statutory Authority: Implementing Article V of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. V] and authorized by Section 2-104(b) of the Illinois Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

5) Effective Date of Emergency Amendment: June 2, 2000

6) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This Emergency Amendment will not expire before the end of the 150-day period.

7) Date filed in Agency's Principal Office: June 2, 2000

8) A copy of the emergency amendment, including any material incorporated by reference is on file in the Department's principal office and is available for public inspection.

9) Reason for Emergency: These emergency amendments are necessary to bring consistency and to close loopholes in dealing with commercial driving school employees, who are indicted, as well as requiring more stringent procedures for the curriculum, records and recordkeeping by commercial driving schools.

10) A Complete Description of the Subject and Issues Involved: Sections 2-104(b) and Article V of the Illinois Vehicle Code vest the Secretary with broad powers to promulgate rules for the administration of the Uniform Commercial Driver's License Act.

11) Are there any proposed amendment to this Part pending? Yes

12) Statement of Statewide Policy Objectives: These amendments will not require any new expenditures by units of local government.

13) Information and questions regarding this Emergency Amendment shall be directed to:

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

Robert W. Mueller
Assistant General Counsel
Department of Driver Services
2701 S. Dirksen Parkway
Springfield, IL 62723
217-782-5356

The full text of the emergency amendment begins on the next page.

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1060
COMMERCIAL DRIVER TRAINING SCHOOLS

- Section
- 1060.5 Definitions
- 1060.10 Unlicensed Person May Not Operate Driver Training School
- 1060.20 Requirements for School Licenses
- 1060.30 Driver Training Schools Names
- 1060.40 Refund of Application Fees
- 1060.50 School Locations and Facilities
- EMERGENCY
- 1060.60 Driver Training School Student Instruction Record
- 1060.70 Driver Training School Course of Instruction
- 1060.80 Driver Training School Contracts
- 1060.90 Inspection of School Facilities
- 1060.100 Licenses
- 1060.110 Safety Inspection of Driver Training School Motor Vehicles
- EMERGENCY
- 1060.120 Requirements to Obtain and Retain a Driver Training Instructor's License
- 1060.130 Examination for Driver Training Instructor
- 1060.140 Temporary Permit
- 1060.150 Driver Training School Responsibility for Employees
- 1060.160 Solicitation of Students and Pupils for Commercial Driver Training Instruction
- 1060.170 Hearings
- 1060.180 Teen Accreditation
- EMERGENCY
- 1060.190 Denial, Cancellation, Suspension, and Revocation of Commercial
- EMERGENCY Driver Training School's License and Instructor's License
- 1060.200 Commercial Driver's License and Endorsement Accreditation
- EMERGENCY

AUTHORITY: Implementing Article IV of the Illinois Driver Licensing Law of the Illinois Motor Vehicle Code [625 ILCS 5/Ch. 6, Art. IV] and authorized by Section 2-104(b) of the Illinois Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 2, 1972; codified at 6 Ill. Reg. 12697; transferred from 23 Ill. Adm. Code 252.50 (State Board of Education) pursuant to Section 5-80(d) of the Illinois Administrative Procedure Act [5 ILCS 100/5-80(d)] and Section 6-411 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-411] at 11 Ill. Reg. 1631, effective December 31, 1986; amended at 11 Ill. Reg. 17244, effective October 13, 1987; amended at 12 Ill. Reg. 13203, effective August 1, 1988; amended at 12 Ill. Reg. 19756, effective November 15,

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NOTICE OF EMERGENCY AMENDMENTS

1988; amended at 14 Ill. Reg. 8658, effective May 18, 1990; recodified at 17 Ill. Reg. 20006, effective November 3, 1993; amended at 18 Ill. Reg. 7788, effective May 9, 1994; amended at 20 Ill. Reg. 3861, effective February 14, 1996; amended at 22 Ill. Reg. 22069, effective December 2, 1998; emergency amendment at 24 Ill. Reg. **8403**, effective May 17, 2000, for a maximum of 150 days.

Section 1060.50 School Locations and Facilities
EMERGENCY

- a) Each driver training school must comply with Section 6-409 of the Illinois Vehicle Code [625 ILCS 5/6-409]. In addition, the branch classroom shall be identified as such by a permanent sign which indicates the location of the main office and classroom and which is reasonably visible to the general public from outside the branch classroom.
- b) The established place of business of each driver training school shall comply with Section 6-406 of the Illinois Vehicle Code [625 ILCS 5/6-406] and, in addition:
- 1) The main office and each branch office shall have a minimum of 150 square feet of office space; and
 - 2) Each school facility must post, in a conspicuous place, on or near the permanent school sign, the days and regular hours when open. A school shall not be deemed open for business unless at least one authorized representative of the school is present; and
 - 3) The main office and each branch office of the driver training school shall have direct access from the outside. Any business may be conducted in the same building providing the business being conducted is legal and that the business has its own entrance.
- c) The established place of business or branch office, branch classroom or advertised address of any driver training school shall comply with all restrictions contained in Section 6-405(b) of the Illinois Vehicle Code [625 ILCS 5/6-405].
- d) Each established main office ~~Main--Office~~ and branch office ~~Branch office~~ facility must maintain a place of business which shall be open to the general public a minimum of ~~eight~~-t 8 hours per week. ~~The 8 hours must be on Monday through Friday between the hours of 7 a.m. and 7 p.m.~~
- e) The classroom facility shall contain the following:
- 1) Sufficient seating facilities and writing surfaces for students;
 - 2) Charts, diagrams, traffic control devices, or pictures relating to the operation of motor vehicles and traffic laws;
 - 3) Blackboards or other forms of illustrative devices which are visible from all seating areas;
 - 4) Textbooks, reference books and pamphlets relating to the proper operation of motor vehicles and traffic laws;
 - 5) Adequate fire extinguishers in operable condition as required

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NOTICE OF EMERGENCY AMENDMENTS

pursuant to Section 6-406(c) of the Illinois Drivers Licensing Law of the Illinois Vehicle Code.

- f) Each main classroom or branch classroom shall have:
- 1) a minimum of 300 square feet of classroom space and the main classroom shall be within close proximity of the main office facility;
 - 2) installed a heating and ventilating system adequate to maintain a comfortable room temperature for the occupants;
 - 3) installed an adequate lighting system so as to provide sufficient lighting for the occupants.
- g) A driver training school which has an established place of business and a main classroom facility may operate a branch classroom, provided it meets all requirements of the main classroom.
- 1) Upon receipt by the Department of a written request to open a branch classroom or branch office, an authorized representative of the Department shall inspect the branch office or branch classroom, and if it complies with the provisions of Section 6-406(e) of the Illinois Driver Licensing Law of the Illinois Vehicle Code and this Part, the Department shall issue the appropriate license which must be displayed in a visibly prominent place in the branch facility.
 - 2) When a branch facility is to be closed, the driver training school shall return the branch facility's license to the Secretary of State in a timely manner.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 84 03, effective June 2, 2000, for a maximum of 150 days)

Section 1060.110 Safety Inspection of Driver Training School Motor Vehicles

EMERGENCY

- a) All motor vehicles used by any driver training school or driver training instructor for driving instruction or driver training purposes shall be safety inspected by the Illinois Department of Transportation. Evidence of such inspection must accompany the initial or renewal driver training school application. Any new vehicle purchased after the issuance of a school license shall be so inspected for safety and such evidence of inspection must be delivered to the Department.
- b) Motor vehicles which have passed safety inspection will be issued a safety inspection sticker, which identifies the year in which the sticker is valid. The safety inspection stickers shall not be removed unless the term of validity has expired or the motor vehicle ceases to be used for driver training instruction or driver training purposes by the driver training school identified on the sticker.
- c) It shall be the responsibility of the driver training school to remove and destroy the safety inspection sticker when the term of its validity has expired or the motor vehicle ceases to be used by the

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driver training school for driver training instruction or driver training purposes.

- d) No motor vehicle may be used for driver training unless:

- 1) It is equipped with a dual braking device which will enable an accompanying instructor to bring the car under control in case of an emergency as required pursuant to Section 6-410(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code.
- 2) If equipped with a standard transmission, it is equipped with at least a dual clutch and braking device which will enable an accompanying instructor to bring the car under control in case of an emergency. Commercial motor vehicles are exempt from this requirement;
- 3) It is equipped with a driver and passenger sideview mirror as required pursuant to Section 6-410(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-410(b)];
- 4) It is owned or leased in the name of a driver training school licensed by the Department or school owner indicated on the license, and registered by the Secretary of State's State Vehicle Services Department pursuant to statute and these Rules or is leased by a driver training school and a lease agreement is submitted to the Department signed by the lessor and lessee. The lease agreement shall contain the make, year, and vehicle identification number of the vehicle. It shall also contain the names and addresses of the lessor and lessee;
- 5) It is in safe operating condition that includes, but is not limited to, operating and undamaged doors, mirrors, windshield, exhaust system, headlights, turn signals, seat belts, brakes and tires;
- 6) It is listed in the driver training school license application or supplemental application or schedule on file with the Department;
- 7) It is properly identified as a driver training motor vehicle by equipping the motor vehicle with a sign or signs visible from the front and the rear in letters no less than 2 inches tall, listing the full name of the driver training school that which has registered and insured the motor vehicle pursuant to Section 6-410(c) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-410(c)];
- 8) Current and valid registration on the vehicle used for driver training must be retained in the vehicle;
- 9) It displays a current and valid safety inspection certificate sticker.
- e) The Department shall not issue an insurance certificate until the school has provided to the Department a vehicle Fleet Schedule which lists the vehicle(s) used by the school and which is signed by an authorized representative of the Illinois Department of Transportation.
- f) The insurance certificate sticker shall be firmly attached to the

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lower right portion of the front windshield of the vehicle and shall not be removed until the term of validity has expired or the motor vehicle ceases to be used for driver training instruction or driver training purposes by the driver training school identified on the sticker.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. **84 03**, effective June 2, 2000, for a maximum of 150 days)

Section 1060.180 Teen AccreditationEMERGENCY

a) Accreditation of the School -- Each commercial driver training school that ~~which~~ desires to offer instruction to those under the age of 18 must be accredited by the Secretary of State through the Department of Driver Services before such instruction can be offered or advertised.

1) Upon receipt of proper application for accreditation, the Secretary of State will investigate the school and verify the application. A Secretary of State employee shall contact the school and make an appointment to visit the school's facilities. At the time of the visit, the Secretary of State employee shall verify that the school meets the standards set forth for commercial driving schools in Section 6-401 of the Illinois Vehicle Code [625 ILCS 5/6-401]. In addition, the school shall meet the standards for commercial driver school teen accreditation that are set forth in Section 1060.180(b) through (f) of this Part. These standards shall be furnished to the school by the Secretary of State before the visit if the school requests them. If all qualifications and standards are met, the school shall be certified to offer instruction to students under the age of 18.

2) The accreditation of each school is renewable upon the expiration date of the school license provided all qualifications and standards are met and provided the school has been in compliance with all rules.

3) Only qualified teaching personnel may teach persons under age 18. Exception: in event of an emergency situation wherein the only available teacher terminates his or her employment, or must take a leave of absence, while a course remains incomplete, other licensed instructors may take over and complete the course. No new courses may be started before properly qualified teaching personnel are again available. In all such cases the Department must be given prior approval. Approval shall not be given until the Department has checked the roster of instructors at the school and determined that no other teacher licensed by the Secretary of State to teach students under 18 is available at the school.

b) Required Facilities -- All teen accredited driver training schools

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must provide all classroom and vehicle facilities and equipment as prescribed in the driving school laws and regulations as administered by the Secretary of State. Those who desire to provide instruction for persons under the age of 18 must comply with Section 1060.50 of this Part. Schools in operation at the time that this Part becomes effective may continue to use their present classroom facilities as long as they continue to occupy them.

1) Required Course of Instruction

A) One copy of an outline covering the topics to be taught in the classroom phase of instruction, and 1 copy of an outline of the behind-the-wheel phase of instruction constructed along the lines of the recommended "Illinois Driver Education Curriculum." Said outlines must meet the approval of the Director of the Department.

(i) Accredited teen driver training schools must follow the approved classroom and behind-the-wheel course outlines that are submitted to the Director of the Department at the time of application for certification. The Department shall determine compliance with this provision by unannounced inspections of teen classes and records. At least one such inspection shall take place every 2 months.

(ii) If such classroom or behind-the-wheel outlines are substantially changed, revised outlines must be submitted in duplicate to the Director of the Department for approval. A letter shall be sent to the driver training school informing them if their classroom or behind-the-wheel outline has been approved.

B) Instructional materials shall be available and shall include one of the following: a 16 mm sound projector and screen, video equipment with films processed on video tape, a film strip or slide projector and films which correspond with the outline described in subsection paragraph (b)(2)(A) of this Section.

C) A professional library containing an assortment of reference and textbooks, pamphlets and other publications which is available for the use of students or teachers.

c) Teacher Qualifications

1) Classroom Teacher Qualifications -- Each teen accredited driver training school must have at least one classroom instructor employed who meets the standards of Section 6-411 of the Illinois Vehicle Code [625 ILCS 5/6-411], pertaining to classroom instructors who teach approved driver education courses to students under 18 years of age.

A) A classroom driver training instructor teaching the teen accredited program must comply with Sections 1060.120 and 1060.130 of this Part.

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- B) The instructor must possess good physical, mental health. An application/physical exam form will be provided by the Secretary of State which must be completed by the instructor and a physician.
- C) The instructor must qualify under one of the following requirements:
- (i) Be a certified teacher meeting the requirements of 23 Ill. Adm. Code 252.40(b)(3). (Minor -- 16 semester hours)
 - (ii) Hold a baccalaureate degree, have 1 year of teaching experience in primary, secondary or higher education and complete a 48 hour course approved by the Director of the Department.
 - (iii) Complete the 48 hour course (a course, at least 48 hours in length designed to provide individuals with the knowledge, methods and procedures specific to conducting driver education instructional courses, that has been approved by the Department Director) or an equivalent college or university course approved by the Director of the Department and provide written documentation verifying they have had 2 months of experience teaching behind-the-wheel to adults.
- iv) Hold a valid State teaching certificate and complete a 48 hour course approved by the Director of Driver Services.
- 2) Behind-the-wheel Teacher Qualifications -- Behind-the-wheel teachers of driving shall be those who have passed an objective type written examination based upon current textbooks and the Motor Vehicle Code; a practical test regarding their ability to drive and to instruct others; and investigation of their moral character and driving record as required in Section 6-411(a) through (f) of the Illinois Vehicle Code [625 ILCS 5/6-411(a) through (f)] and supplementary regulations.
- A) A driver training instructor teaching the teen accredited behind-the-wheel program must comply with Sections 1060.120 and 1060.130 of this Part.
 - B) The instructor must possess good physical and mental health. An application/physical exam form will be provided by the Secretary of State which must be completed by the instructor and a physician.
 - C) The instructor must qualify under one of the following requirements:
 - (i) Be a certified teacher meeting the requirements of 23 Ill. Adm. Code 252.40(b)(3).
 - (ii) Hold a baccalaureate degree and have 6 months of experience in teaching behind-the-wheel to adults.
 - (iii) Have 7 years of uninterrupted teaching experience in a commercial driver training school.

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- (iv) Be licensed by the Secretary of State, complete the 48 hour course or an equivalent college or university course approved by the Director of Driver Services, and provide written documentation verifying they have had 2 months of experience teaching behind-the-wheel to adults.
- v) Hold a valid State teaching certificate and complete a 48 hour course approved by the Director of Driver Services.
- 3) Classroom and/or behind-the-wheel driver education teachers are to be assigned not more than 12 clock hours of instructional work daily. No teen instruction, classroom or behind-the-wheel can take place between the hours of 10:00 p.m. and 6:00 a.m.
- d) Student Qualifications
 - 1) A driver training school or driver training instructor licensed by the Secretary of State shall comply with all of the requirements of Section 6-408.5 of the Illinois Vehicle Code [625 ILCS 5/6-408.5] prior to requesting a certificate of completion from the Secretary of State.
 - 2) A superintendent or chief school administrator may waive the requirements contained within Section 6-408.5 of the Illinois Vehicle Code if he/she deems it to be in the best interests of the student or dropout. The State Board of Education may, at their discretion, by rule or regulation, establish guidelines for the waiver of the requirements of Section 6-408.5 of the Illinois Vehicle Code [625 ILCS 5/6-408.5].
 - 3) Prior to a driver training school or driver training school instructor requesting a certificate of completion for a student, the driver training school or driver training instructor must verify that the student is enrolled in school and has received a passing grade in at least 8 courses during the 2 semesters. Verification of a student's eligibility to obtain a certificate of completion from the Secretary of State shall be by one of the following methods:
 - A) obtain written documentation on a form prepared or approved by the Secretary of State stating the student has received a passing grade in at least 8 courses during the previous 2 semesters;
 - B) obtain written waiver from a superintendent or school administrator on a form prepared or approved by the Secretary of State;
 - C) obtain written verification on a form prepared or approved by the Secretary of State stating the student is enrolled in a home school;
 - D) obtain copies of the student's report card and/or transcript for the previous 2 semesters indicating a passing grade in at least 8 courses during the previous 2 semesters.
- 4) Verification of eligibility for any person who has dropped out of

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school and has not yet attained the age of 18 years shall be by one of the following methods:

- A) obtain written documentation verifying the dropout's enrollment in GED or an alternative education program or obtain a copy of the dropout's GED certificate;
- B) obtain written verification that the student prior to dropping out had received a passing grade in at least 8 courses during the 2 previous semesters last ending prior to requesting a certificate of completion; or
- C) obtain written consent on a form prepared or approved by the Secretary of State from the dropout's parents or guardian and the regional superintendent.

5) Students enrolled in a driver training school shall be informed in writing of the eligibility requirements of Section 6-408.5 of the Illinois Vehicle Code at the time of registration which shall be documented in the student's file.

6) The driver training school and/or driver training school instructor shall maintain a copy and make available for inspection all written documentation required by this Section.

e) Classroom instruction -- for persons under age 18 years

- 1) No classroom instruction shall be provided to any person who is enrolled as a student in any public or non-public secondary school unless the restrictions contained in Section 6-408.5 of the Illinois Vehicle Code [625 ILCS 5/6-408.5] are complied with.
- 2) Classroom instruction shall include not less than 30 class hours. Instructional periods are to be no longer than 2 hours daily with meetings distributed regularly throughout the minimum of four complete weeks. The maximum number of students cannot exceed 30 per class for classroom instruction unless the size of the classroom exceeds 350 square feet, then a maximum of 35 students shall be allowed.
- 3) Classroom instruction shall include subject matter relating to the rules of the road, safe driving practices, pedestrian safety, driver responsibility, theory of driving, defensive driving techniques, behavioral characteristics of drivers, auto insurance and financial responsibility, development of perception for driving, emergency situation procedures, the use of automobile safety devices, and the effects of alcohol and/or other drugs on driving.
- 4) Each classroom course must have a definite starting date and completion date. Late registrations shall not be accepted beyond the third day of the course, at which time the course must be closed to further enrollments.
- 5) Late registrants and absentees shall be given make-up instruction, assignments. No school shall permit the student to be absent from more than 4 class sessions without requiring the student to re-enroll in a later course and to start over.
- 6) The teaching facilities must provide adequate, comfortable

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seating for students. Lighting must be adequate and the maintenance (housekeeping) of the room orderly.

7) A textbook on driver education must be in the possession of each student for the duration of the course, to be used as a regular part of the course content, and consistent with the recommended course outline.

8) Audio-visual materials shall be used as a supplement to the teacher's presentation but not as a replacement. Reference materials are to be available to the students and their use assured by assignments. All assignments are to be made in advance of due dates and should include outside reading as well as preparation for testing.

9) A regular schedule of classroom testing shall be followed. Student progress in acquaintance with information, data, and knowledge is to be periodically evaluated. Criteria for passing or failing the course must be evident to the students and successful completion clearly defined.

10) Each student shall be informed prior to the time instruction begins of the character and amount of any and all fees or charges made for enrollments or registration, tuition, use of equipment, text and reference materials, supplies, and any service, equipment, or materials provided by the commercial driving school.

11) Instruction for each student in the class shall begin on the date and location designated by advertisement and continue throughout the designated period unless the course is cancelled and the student is refunded any fees already paid.

12) A listing of students enrolled in the classroom shall be sent to the Department of Driver Services Blue Slip Unit within 3 days after the third day of classroom instruction on forms provided by the Secretary of State. A certificate will not be issued to anyone whose name has not been submitted on this form signed by an authorized official of the school.

f) Laboratory instruction -- for persons under age 18 years.

1) Laboratory instruction shall not begin until such time as the student is enrolled in a classroom program of driver education and possesses the basic information required for safe operation of a vehicle in traffic. At least 4 hours of classroom instruction must be given before behind-the-wheel lessons are started.

2) Each student must have in his or her possession when engaged in vehicle operation a valid instruction permit issued by the Secretary of State.

3) Not less than two nor more than four students are to occupy the car with an instructor when instruction is in progress. Student driving experiences shall be for periods of not more than 90 minutes for each student per session. The accumulation of 6 hours of practice driving shall be distributed regularly throughout a

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minimum of two complete weeks. Although observation time in the car may not be counted as practice driving, a minimum of 6 hours is required. The only exception shall be when a parent requests that observers be excluded because the student is disturbed by having an observer in the car.

- 4) Each student shall receive a minimum of 6 full hours of behind-the-wheel instruction. There can be no allowance for any absences without actual make-up time spent behind-the-wheel. Satisfactory completion denotes that each student has the competencies to be certified by the school for issuance of a certificate.

- 5) Lesson time or practice driving time may not be used to call for, deliver or dismiss other students to their homes or pick up points.

- 6) Practice driving instruction shall include actual experience in starting, stopping, shifting, turning, backing, parking, steering, and emergency situation procedure in a vehicle equipped according to Section 6-410 of the Illinois Vehicle Code [625 ILCS 5/6-410].

g) Records

- 1) Records shall be maintained by schools which substantiate daily attendance, lesson time, and periodic evaluation of each student. Also recorded shall be the beginning and ending dates of classroom as well as laboratory instruction. Students are to be identified by their social security numbers as well as by name, address and other personal information. Such records are to be on file in the office of the management for a period of 3 years.

- 2) A Secretary of State form shall be used for submitting the names of those students who have satisfactorily fulfilled the requirements of the complete course in driver education and who qualify for a certificate. The form shall be signed by an authorized official of the school.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. **84 03** - -, effective June 2, 2000, for a maximum of 150 days)

Section 1060.190 Denial, Cancellation, Suspension, And Revocation Of Commercial Driver Training School's License And Instructor's License
EMERGENCY

- a) The Secretary of State shall deny or cancel a commercial driver training school license for failing to correct after being served written notice, giving five business days to correct any violation of the following regulations and laws governing commercial driver training schools:

- 1) a violation of any requirements in Sections 1060.50 of this Part and Sections 6-403, 6-404, 6-405, 6-406, and 6-407 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625

ILCS 5/6-403, 6-404, 6-405, 6-406, and 6-407] relating to the physical facilities of the school;

- 2) a violation of any requirements in Sections 1060.60 and 1060.200(e)(1) of this Part and Sections 6-408 and 6-408.5 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-408 and 6-408.5] relating to the maintenance of driver training school records;

- 3) a violation of any requirements in Section 1060.110 of this Part and Section 6-410 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-410] relating to the safety inspection and requirements of a driver training school's motor vehicles;

- 4) failure of school to own or lease a vehicle;

- 5) failure to pay the fees required by Section 6-402 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-402];

- 6) for a violation of Section 1060.20(a)(2) of this Part relating to the employment of a licensed driver training instructor;

- 7) for any violation of the requirements of Section 1060.30 of this Part relating to driver training school names and business organizational status;

- 8) for any violation of the requirements of the Business Corporation Act of 1983 [805 ILCS 5];

- 9) for a violation of the requirements of a vehicle used for instruction to have a safety inspection sticker as required by Section 1060.110 of this Part and Section 6-410 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-410];

- 10) for a violation of the requirement of a vehicle used for instruction to have a current and valid registration on the vehicle used for driver training that is retained in the vehicle as required by Section 1060.110(d)(9) of this Part.

- b) A commercial driver training school's license shall be immediately canceled:

- 1) for a violation of the requirements of Section 6-402(e) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-402(e)];

- 2) for a violation of the requirements of Section 6-402(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-402(d)];

- 3) for a violation of the requirements of Section 1060.90 of this Part.

- c) If a branch license is canceled because the branch facility does not meet the standards found in Section 1060.50 of this Part, the school's license shall not be canceled but the branch shall remain closed until the branch facility comes into compliance.

- d) In order to be eligible to be reinstated following cancellation, the school shall reapply for a license, pay the required application fee

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of \$250 for a school as required by Section 6-402(i) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-402(i)] and demonstrate compliance with the provisions of this Part for which the cancellation was issued (e.g., proof of insurance).

e) The Secretary of State shall cancel a commercial driver training school instructor's license for failing to correct after being served written notice, giving five business days to correct, any violation of Section 6-418 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-418].

f) A commercial driver training school instructor's license shall be immediately canceled:

1) upon notification to the Commercial Driver Training Section that the instructor is no longer employed by the school or no longer has a valid driver's license;

2) for failure to produce records after a written warning and demand to produce the records within 5 business days.

g) In order to be eligible to be reinstated following cancellation, the instructor shall reapply for a license; pay the required fee of \$35 for an instructor as required by Section 6-411(g) of the Illinois Vehicle Code [625 ILCS 5/6-411(g)]; and demonstrate compliance with the provisions of this Part for which cancellation was issued (e.g., proof of insurance).

h) The Secretary of State shall suspend a commercial driver training school license up to 1 year depending on the severity of the violation if the school violates any of the following regulations and laws governing commercial driver training schools:

1) for any violation of this Part;

2) for any violation of Section 6-407, 6-408, 6-408.5 or 6-409 of the Illinois Vehicle Code [625 ILCS 5/6-407, 6-408, 6-408.5 or 6-409];

3) if a school accredited to teach teens pursuant to Section 1060.180 of this Part fails to keep records on teenage clients as required in Section 1060.180(g), the school shall have its teen accreditation as found in Section 1060.180(a) suspended, but not their school license;

4) if a school accredited to teach teens pursuant to Section 1060.180 of this Part violates any of the provisions in Section 1060.180(d), the school shall have its teen accreditation as found in Section 1060.180(a) suspended, but not its school license.

i) A school which wishes to have a license reinstated following suspension shall reapply and pay the application fee of \$250 as required by Section 6-402(i) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-402(i)].

j) The Secretary of State shall suspend a commercial driver training school instructor's license up to 1 year depending upon the severity of the infraction for any violation of this Part.

k) An instructor who wishes to have a license reinstated following

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suspension shall reapply and pay \$35 required by Section 6-411(g) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-411(g)].

1) The Secretary of State shall revoke a commercial driver training school license for any of the following reasons:

1) if the school engages in or permits any type of fraudulent activity, either with reference to a student or the Secretary of State;

2) for selling, assigning, bartering, or trading any school or instructor license issued by the Secretary of State;

3) for remaining in operation if the school's license has been suspended, canceled, revoked, or not renewed;

4) for having unauthorized possession of application forms or questionnaires used by the Driver Services Department of the Secretary of State's Office in conjunction with administering driver's license examinations;

5) for making a false statement or knowingly concealing a material fact in the application for a school license;

6) for a subsequent violation of Section 6-407 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-407];

7) for repeated violations of this Part or Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. IV];

8) a violation of Section 11-501 of the Illinois Vehicle Code [625 ILCS 5/11-501] relating to driving under the influence of drugs and/or alcohol;

9) if the owner(s) of the commercial driver training school has received a suspension of driving privileges under Section 11-501.1 of the Illinois Vehicle Code [625 ILCS 5/11-501.1] that has terminated within the last 10 years prior to the date of application.

m) A revocation shall be for an indefinite period. After 1 year the school may apply for reinstatement by requesting a formal administrative hearing as found in 92 Ill. Adm. Code 1001.Subpart A.

n) The Secretary of State shall revoke a commercial driver training school instructor's license if the instructor violates any of the following regulations and laws governing commercial driver training schools:

1) If he/she is convicted of the following:

A) a violation of Section 11-501 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-501] relating to driving under the influence of drugs and/or alcohol.

B) a violation of Section 11-503 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-503].

C) a violation of Section 9-3 of the Criminal Code of 1961 [720 ILCS 5/9-3] relating to reckless homicide.

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- D) a violation of Section 11-401 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-401].
- E) any sex or drug related offense.
- 2) If he/she engages or permits any type of fraudulent activity either with reference to a student or the Secretary of State.
- 3) A violation of Section 6-420(5) of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/6-420(5)].
- 4) If he/she knowingly aids or assists an applicant in obtaining a driver's license by fraudulent procedure.
- 5) If he/she has in possession unauthorized application forms or questionnaires used by the Driver Services Department in conjunction with administering driver's license examinations.
- 6) For repeated violations of this Part or Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. IV].
- 7) If he/she has received a suspension of driving privileges under Section 11-501.1 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-501.1], which has terminated within the last 10 years prior to the date of application.
- o) A revocation of an instructor's license shall be for an indefinite period of time. After 1 year, the instructor may apply for reinstatement by requesting a formal administrative hearing as found in 92 Ill. Adm. Code 1001.Subpart A.
- p) An owner's or instructor's license shall be immediately canceled for lack of good moral character. In making a determination of good moral character, the Department is not limited to, but may consider, the following:
- 1) If the owner or instructor has been convicted of a felony:
 - A) The relationship of any crime of which the person has been convicted to the ability to operate a driver training school; or
 - B) Opinions of the community members concerning the owner or instructor; or
 - C) The length of time that has elapsed since the owner's or instructor's last criminal conviction.
 - 2) If the owner or instructor has been indicted, formally charged, or otherwise charged with a felony:
 - A) If the owner or instructor whose commercial driver training school or instructor license has been canceled under this Section is adjudicated "guilty" by the court systems, the cancellation previously entered on his/her record in accordance with this Section shall stand. This action does not preclude further suspension and/or revocation of the commercial driver training school or instructor license under another Section of the Illinois Vehicle Code.
 - B) If the owner or instructor whose commercial driver training school or instructor license has been canceled under this Section is adjudicated "not guilty" by the court systems,

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- the cancellation previously entered on the license in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of the commercial driver training school or instructor license under another Section of the Illinois Vehicle Code.
- C) If the owner or instructor whose commercial driver training school or instructor license has been revoked under this Section is granted a disposition of "court supervision" by the court system, the revocation previously entered in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of the commercial driver training school license under another Section of the Illinois Vehicle Code.
- 3) An individual whose commercial driver training school or instructor license has been canceled pursuant to this Part may request an administrative hearing pursuant to 92 Ill. Adm. Code 1001.
- p) An owner's or instructor's license shall be revoked for lack of good moral character---in making a determination of good moral character the Department is not limited to, but may consider the following:
- 1) If the owner or instructor has been convicted of a crime or
 - 2) The relationship of any crime convicted of--to the ability--to operate a driver training school; or
 - 3) Opinions of the community members concerning the owner or instructor; or
 - 4) The length of time that has elapsed since the owner's or instructor's last criminal conviction; or
 - 5) If the owner or instructor has been convicted with an offense and the Secretary of State has received sufficient evidence that the owner or instructor has been convicted of an offense in regard to a student or the Secretary of State.
- A) In determining whether action should be taken, there must be sufficient evidence that the owner or instructor has committed an offense in regard to a student or the Secretary of State. "Sufficient evidence" shall be defined as but not limited to:
- 1) copies of court documents showing the conviction of an owner or instructor of an offense in regard to a student or the Secretary of State;
 - 2) affidavits of eyewitnesses or others with first-hand knowledge concerning the matters which indicate offenses in regard to students or the Secretary of State;
 - 3) any other competent evidence including but not limited to: police reports, transcripts of preliminary hearings or grand jury proceedings, and other documents deemed important and probative by the

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training schools as found in this Part and Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code, prior to the cancellation, suspension, or revocation of the school's or instructor's license.

- r) Prior to the cancellation, suspension, or revocation of a school's or instructor's license, the Secretary may schedule a conference with the individual whose commercial license has been found to be in violation and administrative consultation will occur at this time. If the violation(s) are not corrected within a reasonable time, the Administrator shall take corrective measures upon the issuance of an "Advisory Letter for Correction" to the individual and/or school. If the violations are not corrected a warning letter shall be issued and the disciplinary process will begin pursuant to the regulations and laws governing commercial driving schools as found in this Part and Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 8403, effective June 2, 2000, for a maximum of 150 days)

Section 1060.200 Commercial Driver's License and Endorsement Accreditation
EMERGENCY

- a) Accreditation of the Program - Each commercial driver training school that which desires to offer instruction to those individuals who wish to obtain a CDL and/or endorsement and/or restriction must be accredited by the Secretary of State through the Department of Driver Services before such instruction can be offered or advertised.

1) Upon receipt of proper application for accreditation, the Secretary of State shall investigate the program and verify the information contained in the application. A Secretary of State employee shall contact the applicant and make an appointment to inspect the school's facilities. At the time of inspection, the Secretary of State employee shall verify that the school meets the standards for CDL accreditation set forth in subsections (b) through (f) of this Section in addition to all other applicable subsections within this Part. These standards shall be furnished to the school by the Secretary of State before the visit if the school requests them. If all qualifications and standards are met, the school shall be accredited to offer instruction on how to operate a vehicle with CDL and/or endorsement and/or restriction classification.

2) The CDL and/or endorsement and/or restriction accreditation is renewable on January 1 of each year, provided the school is in compliance with this Part.

3) Only qualified teaching personnel who already possess a CDL and/or endorsement and/or restriction classification for--the equivalent--classification--until--April--17--1997 may teach the

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B) State's Attorney--
if sufficient evidence is received from the State's Attorney and indicates that a person has committed an offense in regard to a student or Secretary of State, and that these offenses currently awaiting court disposition involved a student or Secretary of State, the owner's or instructor's license shall be revoked.

E) If the owner or instructor whose commercial driver training school license has been revoked under this Section is adjudicated "guilty" by the court system, the revocation previously entered on his/her record in accordance with this Section shall stand. This action does not preclude further suspension and/or revocation of their commercial driver training school license under another Section of the Illinois Vehicle Code.

B) If the owner or instructor whose commercial driver training school license has been revoked under this Section is adjudicated "not guilty" by the court system, the revocation previously entered on their license in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of their commercial driver training school license under another Section of the Illinois Vehicle Code.

B) If the individual whose commercial driver training school license has been revoked under this Section is granted a disposition of "court supervision" by the court system, the revocation previously entered in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of their commercial driver training school license under another Section of the Illinois Vehicle Code.

P) If the charges against the owner or instructor whose commercial driver training school license has been revoked under this Section are reduced or altered in any manner such that the offense(s) for which the owner or instructor is convicted is not an offense in regard to a student or Secretary of State, the revocation previously entered in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of a commercial driver training school license under another Section of the Illinois Vehicle Code.

G) An individual whose commercial driver training school license has been revoked pursuant to this Part may request an administrative hearing pursuant to 92-III-Adm--Code 1001.

q) The Secretary of State shall have the discretionary authority to issue warning letters to commercial driver training schools or instructors for violations of the regulations and laws governing commercial driver

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drive portion of instruction.

- b) Required facilities - All CDL and endorsement accredited schools must provide all classroom and vehicle facilities and equipment as prescribed in Article IV of the Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. IV] and Section 1060.50 of this Part. Those who desire to provide instruction to person(s) who wish to obtain a CDL and/or endorsement and/or restriction classified license must additionally provide a vehicle training area, owned or leased by the school, with sufficient space to properly accommodate the number of vehicles the school has in operation and appropriate off-street maneuvers. Schools in operation at the time that this rule becomes effective may continue to use their present classroom facilities as long as they continue to occupy them.

1) Required course of instruction:

- A) CDL accredited driving schools must administer driving instruction that corresponds to a curriculum that will be provided to the school by the Secretary of State. Each CDL accredited driving school must provide the minimum of 160 hours of instruction in not less than a 4 week period to each student as indicated in the curriculum.

- A) One copy of an outline covering the topics to be taught in the classroom phase of instruction, and two (2) copies of an outline of the behind-the-wheel phase of instruction constructed along the lines of the requirements contained in 49 CFR 383.110-121. If said outlines are constructed along the lines of the requirements contained in 49 CFR 383.110-121, they shall be approved by the Director of the Department.

- i) Driving schools must follow the approved EBS classroom and behind-the-wheel course outlines that are submitted to the Director of the Department at the time of application for accreditation. The Department shall determine compliance with this provision by unannounced inspections of classes and student records. At least one inspection shall take place each month.

- ii) Revised outlines must be submitted to the Director of the Department for approval pursuant to subsection (b)(1)(A). A letter shall be sent to the driver training school informing them if their EBS classroom or behind-the-wheel outline has been approved.

- B) Instructional materials shall be available and shall include at least one of the following: a 16 mm sound projector and screen, video equipment with films processed on video tape, a film or films.

- C) A professional library containing an assortment of reference and textbooks, pamphlets, and other publications including but not limited to the CDL Study Guide, which are available

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

for the use of students and teachers.

- D) A brush-up course of instruction may be offered to individuals who currently hold or have held a CDL or its equivalent. The school must maintain records that verify students qualify for a brush-up course. This course may be offered on an hourly basis. No brush-up course may be offered to any individual who has never held a CDL or its equivalent. A brush-up course of instruction may be offered to individuals who currently hold or have held a EBS and/or endorsement and/or restriction license. This course may be offered on an hourly basis. No brush-up course may be offered to any individual who has never held a EBS and/or endorsement and/or restriction classified license.
- E) Classroom instruction - CDL and/or endorsement and/or restriction classification instruction.

- i) Each classroom course must have a definite starting date and completion date. A listing of students enrolled in each course shall be sent to the Secretary of State, within 3 days after the third day of classroom instruction, on forms provided by the Secretary of State.

- ii) Classroom instruction shall include subject matter relating to the rules of the road as contained in the CDL Study Guide, safe driving practices, pedestrian safety, defensive driving techniques, behavioral characteristics of drivers, federal regulations relating to the Department of Transportation and CDL standards (49 CFR 383), vehicle insurance, the use of safety devices, and the effects of alcohol and drugs on driving.

- iii) Practice driving instruction must comply with the curriculum provided by the Office of the Secretary of State. A EBS Study Guide must be in the possession of each student for the duration of the course, to be used as a regular part of the course content, and consistent with the approved course outline.

- iv) Audio-visual materials shall be used as a supplement to the teacher's presentation, but not as a replacement. Reference materials are to be available to the students and their use assured by assignments. All assignments are to be made in advance of due dates and shall include outside reading as well as preparation for testing.

- v) A regular schedule of classroom testing shall be followed. Student progress is to be periodically evaluated. Criteria for passing or failing the course shall be evident to the student, and successful completion clearly defined.

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

- vi) Each student shall be informed, prior to the time instruction begins, of the amount of any and all fees or charges made for enrollment or registration, tuition, use of equipment, or materials provided by the CDL and/or endorsement and/or restriction accredited driver training program.
- vii) Instruction of each student in the class shall begin on the date and location designated by advertisement and continue throughout the designed period, unless the course is cancelled and the student is refunded any fees already paid.
- F) Laboratory Instruction - For persons taking instruction for CDL and/or endorsement and/or restriction classification.
- i) Behind-the-wheel instruction shall not begin until such time as the student is enrolled in a classroom program of CDL and/or endorsement and/or restriction classification driver training and obtains the required knowledge for the safe operation of a vehicle in traffic as provided in 49 CFR 383.110-121.
 - ii) Each student must have in his/her possession when engaged in vehicle operation a valid and properly classified instruction permit issued by the Secretary of State, unless previously licensed in a classification representative of the vehicle he/she intends to drive.
 - iii) Practice driving instruction shall include but not be limited to pre-trip inspection, actual experience in starting, stopping, shifting, turning, backing, docking, parking, steering, and emergency situation procedures.
 - iv) Behind-the-wheel instruction for "A" classification must be given in a representative power unit with a multi-range transmission with no fewer than 9 forward gears and a representative trailer at least 48 feet long with a tandem axle.
- 2) Student ratio per course
- A) The total number of students enrolled in each CDL accredited course in any 30 day period shall not exceed 3 students per each currently licensed instructor.
 - B) The total number of students enrolled in each CDL accredited course in any 30 day period shall not exceed 6 students for each currently registered CDL vehicle.
- c) Classroom teacher qualifications
- 1) Each CDL and/or endorsement and/or restriction accredited driver training school must have at least one classroom instructor employed by the school, who meets the standards of Section 6-411 of the Illinois Vehicle Code [625 ILCS 5/6-411].
 - 2) Required classroom teacher qualifications:

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

- A) A driver training instructor teaching the classroom portion of a CDL and/or endorsement and/or restriction accredited course must comply with Sections 1060.120 and 1060.130 Sections 1060.150 and 1060.160 of this Part.
- B) The instructor must possess good physical and mental health as determined by a physician. An application/physical examination form shall be provided by the Secretary of State which shall be completed by the instructor and a physician.
- C) A classroom instructor must pass an objective type instructor written examination based upon the Illinois Vehicle Code, commercial school rules and regulations, and the Commercial Motor Vehicle Safety Act of 1986 (49 USC 8-S-E-2704). The written examination shall consist of 125 questions (90 multiple choice and 35 true/false) and the instructor must correctly answer 106 questions to pass.
- d) CDL and/or endorsement and/or restriction behind-the-wheel teacher qualifications
 - 1) Each CDL and/or endorsement and/or restriction accredited driver training school must have at least one behind-the-wheel instructor employed by the school, who meets the standards of Section 6-411 of the Illinois Vehicle Code [625 ILCS 5/6-411].
 - 2) Required behind-the-wheel teacher qualifications:
 - A) A driver training instructor teaching the behind-the-wheel portion of a CDL and/or endorsement and/or restriction accredited course must comply with the provisions of Sections 1060.120 and 1060.130 of this Part and be licensed in a classification representative of the vehicle in which they intend to teach for at least 3 consecutive years immediately prior to application.
 - B) The instructor must possess good physical and mental health as determined by a physician. An application/physical examination form shall be provided by the Secretary of State which shall be completed by the instructor and a physician.
 - C) The instructor shall give instruction only in the classification and/or endorsement and/or restriction in which he/she is licensed.
 - D) A behind-the-wheel instructor must pass an objective type instructor written examination based upon the Illinois Vehicle Code, commercial school rules and regulations, and the Commercial Motor Vehicle Safety Act of 1986 (49 USC 8-S-E-2704) as provided for in subsection (c)(1)(7)(C) of this Section. In addition, a behind-the-wheel instructor must pass a practical test regarding his/her ability to drive a vehicle of CDL and/or endorsement and/or restriction classification (92 Ill. Adm. Code 1030.85).
- e) Student Instruction Records
 - 1) Records shall be maintained by schools which document daily attendance, lesson time, and periodic evaluation of each student.

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

Also recorded shall be the dates of classroom instruction, behind-the-wheel instruction and observation time. ~~Also recorded shall be the beginning and ending dates of the classroom as well as behind-the-wheel instruction.~~ Students are to be identified by their social security numbers as well as by name, address, and other personal information. A driver license number also must be entered on the student record. Such records are to be on file in the office of the management for a period of ~~three~~ 3 years.

2) The driver school with a CDL and/or endorsement and/or restriction accreditation must meet all requirements of Section 1060.60 of this Part.

3) The school and each student must maintain separate but identical logs of the student's behind-the-wheel instruction and observation time. The logs must include the dates of instruction, type of instruction, student/instructor signatures and odometer readings of the vehicles used for instruction.

4) A Secretary of State form shall be used for submitting names of those students who have satisfactorily fulfilled the CDL accreditation course. The form shall be signed by an authorized official of the school.

f) The Secretary of State shall suspend or revoke, cancel or deny the license and/or accreditation of any driver training school or driver training instructor if the school or instructor fails to comply with the provisions of this Part or 49 CFR 383.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 84 03 effective June 2, 2000, for a maximum of 150 days)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF CORRECTION TO NOTICE ONLY

1) Heading of the Part: Appeal of Child Abuse and Neglect Investigation Findings

2) Code Citation: 89 Ill. Adm. Code 336

3) The Notice of Adopted Amendments being corrected appeared at: 24 Ill. Reg. 7660, dated May 26, 2000

4) The information being corrected is as follows: #11 on the Notice of Adopted Amendments:

Section 336.30 (Notice of Department Decision): The section was revised to add "to mandated reporters who reported suspected child abuse or neglect as well as the child's parent personal guardian, or legal custodian; the Juvenile Court Judge (when a State ward is involved); the Cook County Public Guardian, Juvenile Division (Cook County Department wards only); and the alleged perpetrator".

Section 336.30 (Notice of Department Decision): Subsection 336.30 (f) was revised by changing "the postmark on the notice" to "notification of the completion of the investigation by the Child Protective Service Unit, as determined by the date of the notifications sent by the Department".

Section 336.60 (What May Be Appealed): Subsection 336.60 (f) was revised by deleting the phrase "refusal or" to clarify that an appellant need not request the expungement of the indicated report prior to filing an appeal request.

Section 336.60 (What May Be Appealed): The section was revised to add subsection "g) whether the Department determined retention period assigned to the indicated report is in accordance with DCRS Rules and procedures".

Section 336.80 (How to Request a Hearing/Sufficiency): Subsection 336.80 (c) (2) was revised by changing "a brief statement of the issues being appealed, which may include additional information for the Department's consideration as to why the Department should expunge or amend the report in the State Central Register" to "name, address and phone number of appellant's representative (if applicable)".

Section 336.80 (How to Request a Hearing/Sufficiency): Subsection 336.80 (d) was revised to add "and no time frames shall begin to run".

Section 336.80 (How to Request a Hearing/Sufficiency): Subsection 336.80 (d) was revised by changing "Any appeal that does not provide sufficient information for the Chief Administrative Law Judge to return the appeal to the appellant for resubmission of a sufficient

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF CORRECTION TO NOTICE ONLY

basis for the appeal shall be dismissed" to "If the appeal does not have a legible name or address, the Chief Administrative Law Judge may dismiss the appeal".

Section 336.120 (The Administrative Law Judge): Subsection 336.120 (b) (14) was revised by changing "the submission of briefs, memoranda of law, affidavits or post-hearing briefs" to "additional testimony, documents, exhibits, briefs, memoranda of law or post hearing briefs".

Section 336.120 (Abandonment of Appeal/Default): Subsection 336.20 (b) was revised by adding "3) failure of the Administrative Hearings Unit to give notice by fax, inter-office mail or electronic mail, to the Department Representative or the present supervisor of the child protection team with primary case responsibility for the investigation."

Section 336.220 (Final Administrative Decision): Subsection 336.220 (a) was revised by changing "agree, disagree, or modify the recommended decision based upon a preponderance of the evidence standard" to "receive an accept, reject, amend or return the Administrative Hearings Unit for further proceedings within 90 days after receipt of a timely and sufficient request for an appeal, unless extended by the actions of the appellant, or within 15 days of the submission of the recommendation by the Administrative Law Judge to the Director, whichever is later".

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER THE
RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

FIRST METROPOLITAN MORTGAGE OF CHICAGO ILLINOIS

Pursuant to Section 4-5(g) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(g) (1998), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$500 against the First Metropolitan Mortgage of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective June 7, 2000.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER THE
RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

PLATINUM CAPITAL GROUP OF IRVINE, CALIFORNIA

Pursuant to Section 4-5(g) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(g) (1998), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$500 against Platinum Capital Group of Irvine, California, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective June 7, 2000.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER THE
RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

MIDWEST FUNDING CORP. OF DOWNERS GROVE, ILLINOIS

Pursuant to Section 4-5(g) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(g) (1998), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$500 against Midwest Funding Corp. of Downers Grove, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective June 7, 2000.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER THE
RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

GATEWAY FINANCIAL CORP. OF CHICAGO, ILLINOIS

Pursuant to Section 4-5(g) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(g) (1998), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$500 against Gateway Financial Corp. of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective June 7, 2000.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER THE
RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

EMPIRE FUNDING CORP. OF AUSTIN, TEXAS

Pursuant to Section 4-5(g) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(g) (1998), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$500 against Empire Funding Corp. of Austin, Texas, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective June 14, 2000.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER THE
RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

CREATIVE MORTGAGE USA OF CALUMET CITY, ILLINOIS

Pursuant to Section 4-5(g) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(g) (1998), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$500 against Creative Mortgage USA of Calumet City, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective June 7, 2000.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER THE
RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

CONTI MORTGAGE CORP. OF NEW JERSEY

Pursuant to Section 4-5(g) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(g) (1998), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has suspended, for 180 days, the license of Conti Mortgage Corp. of New Jersey, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective June 12, 2000.

SECOND NOTICES RECEIVED

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 30, 2000 through June 5, 2000 and have been scheduled for review by the Committee at its June 13, 2000 or July 18, 2000 meetings in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
7/13/00	Department of Revenue, Income Tax (86 Ill Adm Code 100)	2/14/00 24 Ill Reg 2190	6/13/00
7/14/00	Department of Human Services, Audit Requirements of DHS (89 Ill Adm Code 507)	4/14/00 24 Ill Reg 6239	6/13/00
7/14/00	Teachers' Retirement System, The Administration and Operation of the Teachers' Retirement System (80 Ill Adm Code 1650)	4/14/00 24 Ill Reg 6372	6/13/00
7/15/00	Department of Human Services, Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113)	2/18/00 24 Ill Reg 2562	6/13/00
7/19/00	Department of Children and Family Services, Return of Runaway Children (89 Ill Adm Code 329)	2/4/00 24 Ill Reg 1755	7/18/00
7/19/00	Illinois State Toll Highway Authority, State Toll Highway Rules (92 Ill Adm Code 2520)	2/18/00 24 Ill Reg 2644	7/18/00

ISSUES INDEX

June 16, 2000

Rules acted upon during the calendar quarter from Issue 17 through Issue 29 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or malale@cogate.sos.state.il.us on the Internet.

PROPOSED	ADOPTED	EMERGENCY
89-301-17	89-301-17	77-672-21
2-568-18	89-590-18	77-970-21
2-250-20	89-1200-20	80-310-19,24
2-2251-19	92-460-17	80-1540-19
11-510-19	92-122-17	80-2800-22
11-719-20	92-1040-25	80-3000-22
11-1413-19	92-1060-25	86-105-17
14-110-22	95-102-17	86-140-24
14-510-18	95-110-22	86-160-24
17-110-19	95-117-24	86-220-24
17-130-24	95-119-20	86-230-24
17-530-20		86-280-24
17-590-19		86-295-24
35-110-22	2-560-18	86-420-24
35-275-23	2-1200-19,23	86-432-24
35-307-22	4-300-21	86-500-19
35-325-17	8-125-20	86-670-24
35-886-20	8-250-20	86-680-24
44-1000-18	11-306-20	86-720-24
50-202-21	11-321-20	86-770-25
50-1407-25	11-510-20	89-10-23
50-2020-23	11-1312-20	89-120-20
56-350-21	11-1413-20	89-146-25
59-132-19	14-130-20	89-300-22
68-1075-25	14-527-19	89-336-22
68-1150-17	17-670-19	89-356-22
68-1220-17	17-710-24	89-679-17
68-1270-16	20-1200-19	89-682-22
68-1350-25	20-1560-25	89-686-21
68-1380-17	23-25-20	92-1000-19
68-1480-17	23-350-20	92-1030-19
77-1130-20	23-350-20	
77-1190-20	23-2310-22	
77-2075-25	32-326-24	
77-2200-22	32-330-24	
77-3100-25	35-680-20	
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80-330-24	44-1125-25	
80-331-22	44-1400-25	
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83-460-20	50-4404-20	
83-761-23	83-766-23	
83-762-23	56-260-19	
83-763-23	59-111-22	
83-766-23	59-299-17	
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86-130-21,22	68-1283-20	
86-151-19	68-1285-25	
86-420-21	68-1370-20	
86-445-21	68-1375-20	
86-495-19	68-1450-25	
86-3000-19	74-725-25	
89-50-17	74-790-25	
89-117-18	77-220-18	
89-121-25	77-250-17	
	77-591-21	
		PEREMP-
		TORY
		8-125-14

The first part of the paper discusses the importance of the study of the history of the English language. It is argued that a knowledge of the history of the language is essential for a full understanding of the language itself. The second part of the paper discusses the importance of the study of the history of the English language. It is argued that a knowledge of the history of the language is essential for a full understanding of the language itself.

The third part of the paper discusses the importance of the study of the history of the English language. It is argued that a knowledge of the history of the language is essential for a full understanding of the language itself. The fourth part of the paper discusses the importance of the study of the history of the English language. It is argued that a knowledge of the history of the language is essential for a full understanding of the language itself.

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